
What if no one receives a majority of the electoral votes?

The Constitution's 12th Amendment specifies that if no candidate receives a majority of the electoral votes, the House of Representatives chooses the president from among the three presidential candidates who received the most electoral votes. The Senate chooses the vice president from among the top two vice-presidential vote-getters. In both cases, the Amendment says, "the votes shall be taken by states, the representation from each state having one vote;..." The District of Columbia also has one vote. Since the adoption of the 12th Amendment in 1804, the House has chosen the president once, when they chose John Quincy Adams in 1824.

Can a candidate win the popular vote and still lose the election?

A candidate can receive a majority of the popular vote but not win the majority of electoral votes. This is primarily due to the winner-take-all rule that most states apply and how the electoral votes are apportioned among the states.

Four presidents have lost the popular vote but won the presidency: John Quincy Adams in 1824, Rutherford B. Hayes in 1876, Benjamin Harrison in 1888 and George W. Bush in 2000.

Should the Electoral College be retained?

Hundreds of proposals to amend the Constitution's electoral vote process have been submitted over the last 200 years but none has been successful. Proposals have ranged from choosing electors by congressional district to completely abolishing the Electoral College and electing the two leaders of the country by popular vote. There are arguments both for and against any change, but there hasn't been a major effort in Congress to amend the system since 1979.

Where can I find more information about the Electoral College?

The National Archives has a thorough frequently-asked-questions webpage about the Electoral College at www.archives.gov/federal_register/electoral_college/faq.html. The Federal Election Commission's "The Electoral College," www.fec.gov/pdf/eleccoll.pdf, covers the history and the functioning of the Electoral College system.

ELECTORAL COLLEGE VOTES

AL 9	KY 8	ND 3
AK 3	LA 9	OH 20
AZ 10	ME 4	OK 7
AR 6	MD 10	OR 7
CA 55	MA 12	PA 21
CO 9	MI 17	RI 4
CT 7	MN 10	SC 8
DE 3	MS 6	SD 3
DC 3	MO 11	TN 11
FL 27	MT 3	TX 34
GA 15	NE 5	UT 5
HI 4	NV 4	VT 3
ID 4	NH 4	VA 13
IL 21	NJ 15	WA 11
IN 11	NM 5	WV 5
IA 7	NY 31	WI 10
KS 6	NC 15	WY 3

538 total electoral votes

270 electoral votes needed to win

League of Women Voters of Massachusetts Citizen Education Fund

Lotte E. Scharfman Memorial Fund

133 Portland Street, Boston, MA 02114

Phone: 617-523-2999 - Fax: 617-248-0881

E-mail: lwwma@lwwma.org

Voter Information Phone

800-882-1649 or 617-723-1421

www.votinginfo.info

Revised July 2004

Who Really Elects the President?



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Who Really Elects the President?

Did you know that the votes you cast in presidential elections are not for candidates but are for a slate of electors pledged to the candidates of your choice? These electors, along with the electors chosen in all the other states, really elect the president and vice president. Collectively referred to as the Electoral College, electors are frequently not listed on the ballot and are almost always unknown to most voters. In other words, America's voters do not directly elect the two people who hold the highest offices in the land.

Article II, section 1 of the Constitution introduces election by electors:

Clause 1: The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Clause 2: Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The 12th Amendment lays out how the president and vice president are really elected:

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President,...

Why the Electoral College?

The answers to why delegates to the Constitutional Convention in 1787 chose an indirect method for electing the president and vice president lie in the political and social attitudes of the times, as well as the slowness of transportation and communication in the 18th century.

For the most part, delegates to the Constitutional Convention were landowners and businessmen. Some

delegates worried about giving direct political power to choose the head of government to those they thought might not be well educated and well informed about important issues.

Delegates also feared that direct elections would cause long delays in electing the president. Months might pass before all the votes from the far-flung towns of the republic would arrive in the nation's capital.

It was also hoped that the Electoral College system would reconcile the differences between state and federal interests; give less populous states some additional leverage by apportioning electoral votes not in strict proportion to state population; preserve the independence of the presidency from the Congress, and prevent political manipulation of the electoral process.

How does the Electoral College work?

In presidential elections, voters actually cast their ballots for a slate of state electors pledged to a party's candidates for president and vice president. The Constitution dictates that the number of each state's electors will be equal to the number of its members of the U.S. House of Representatives plus its two U.S. Senators. With 435 representatives, 100 senators and three electors from the District of Columbia (granted by the 23rd Amendment), there are 538 electors today. A candidate must receive a majority of electoral votes – at least one over half of the total, or 270– to be elected.

The number of each state's electoral votes can change every 10 years based on the results of the federal Census. The Census determines how the 435 members of the House of Representatives are reapportioned among the states based on population changes. Massachusetts now has 12 electoral votes.

Originally, electors were chosen by state legislatures, by popular vote or by a combination of the two. Today all electors are chosen by popular vote.

Every state but two has a winner-take-all system that awards all of its electoral votes to the presidential and vice-presidential candidates who receive the most votes in the state. For example, in Massachusetts in 2000 Al Gore received over 1.6 million votes while George Bush

got almost 900,000. But all of the state's 12 electoral votes went to Gore.

Maine and Nebraska use a different method. They choose two of their electors by statewide vote and choose one elector in each congressional district based on the vote in that district.

In some states, both candidates' and electors' names appear on the ballot. In others, including Massachusetts, only the candidates' names appear.

How are electors chosen and what do they do?

Electors are chosen by the parties, in primaries, at conventions, or by a vote of the party's central committee, often as a reward for faithful party service. In Massachusetts, electors are chosen by meetings of the state parties.

The winning electors meet, usually in their state capitols, on the Monday following the second Wednesday in December after the presidential election. After they are sworn in, each elector casts a separate ballot for president and vice president. On January 6 the sitting vice president, in his capacity as president of the U.S. Senate, opens the votes of the states before both houses of Congress and the votes are tallied. The candidates with the majority of the electoral votes (one over half of the total) for each office are declared president and vice president.

Are electors required to vote for the candidates to whom they are pledged?

The framers, intending that electors would be independent and knowledgeable, did not bind them to vote for the presidential and vice-presidential candidates to whom they were pledged. The majority of states, however, now have laws that bind electors in some way. Massachusetts law requires electors to sign a form pledging they will vote for their party's candidates.

Electors have broken their pledge on several occasions. One instance was in 1976, when an elector in Washington state, who was pledged to Gerald Ford, voted for Ronald Reagan. The most recent instance was in 2000, when one District of Columbia elector left her ballot blank. "Faithless electors," as they are called, have never changed the outcome of an election, but it could happen.