***A Disaster for Democracy***

In 2012, in response to the impending re-election of President Barack Obama, former president Donald Trump tweeted “The Electoral College is a disaster for a democracy.” Trump’s comments were puzzling given that Obama also received more individual votes than his opponent. Moreover, Trump’s comments reek of hypocrisy. Only four years later, Trump himself would fiercely defend his electoral victory in a presidential election wherein his opponent received more individual votes; claiming the “Electoral College is actually genius (Washington Post 2016).” Hypocrisy aside, Trump was unequivocally correct. The electoral college system is a disaster; an outdated institutional relic that produces no clear benefits relative to direct election of the president. Indeed, more amendments have been proposed concerning the electoral college than any other section of the Constitution (Hardaway, et al 2008). The electoral college disproportionately represents the desires of Americans in less populous states while ignoring others entirely. Consequently, I propose the U.S. amend the Constitution to allow for direct election of the president via the popular vote. Simply put, a system wherein the candidate preferred by a minority of the electorate may still prevail against an opposing candidate favored by a greater number of voters is inherently flawed. Furthermore, the electoral college stands in direct opposition to the foundational principle of democratic government: popular consensus.

Before examining its validity, I figure it’s necessary to provide an explanation as to how the electoral college operates. The college was originally conceived as a mechanism for electing the Executive almost 240 years ago at what is now popularly known as the “Constitutional Convention” in 1787. Under the electoral college, the citizens of each state do not vote for the President, but instead vote for a slate of electors chosen by their preferred candidate’s party. Each state is apportioned a number of electors equivalent to their number of congressional representatives. Despite not being a recognized state, the District of Columbia is afforded three votes for electoral purposes. There are 538 votes total, and a majority of 270 is needed to win the presidency. The candidate who receives the most votes in each state is awarded their number of electoral votes. In all but two states (Maine and Nebraska), the apportionment of electoral votes is absolute, and one candidate receives the entirety of that state’s votes. Once the votes have been counted, electors meet in their respective states and cast their votes. After the chosen electors’ votes are cast in each state, they’re sealed and sent to the Capitol, where they’re subsequently certified by the Senate. If a candidate receives the requisite 270 electoral votes, they become president. Otherwise, the election is decided jointly by the House of Representatives and the Senate, who choose the President and Vice President respectively (Archives.Gov).

Ideally, the method of electing our president ought to reflect the democratic ideals that the United States espouses. Fundamentally however, the electoral college is an undemocratic institution. Democracy is defined by Merriam-Webster as“a system of government by the whole population or all the eligible members of a state.” Or similarly, “control of an organization or group by the majority of its members.” By definition, a democratic system is one wherein leaders are chosen by a majority of the electorate through popular consensus. Indeed, renowned political theorist Robert Dahl argued that in a democracy “every member must have an equal and effective opportunity to vote, and all votes must be counted as equal.” However, under the electoral college votes are decidedly unequal; and it’s possible for the candidate who wins the “popular vote” to lose the election regardless. Not only is such an outcome theoretically possible, it has happened multiple times throughout American History.

In the 2000 Election between George H.W. Bush and Albert Gore, as well as the 2016 election between Donald Trump and Hillary Clinton, the presidential candidate who received the most individual votes, has differed from the candidate who ultimately occupied the White House. Unsettlingly, that means in two of the previous six presidential elections, the broad consensus of the people was disregarded in the most literal sense. Consequently, the electoral college system as it exists today cannot possibly be considered democratic. If there is any doubt as to the truth of this claim, skeptics ought to consider a single question: if the electoral college is truly a democratic institution, how are we to account for the outcome of the 2016 Election? Hillary Clinton received almost 3 million more votes than Donald Trump. Despite this substantial margin, Clinton ultimately lost said election. How, then, are we to perceive such a significant discrepancy as anything other than the widespread disenfranchisement of a significant portion of the electorate? As a direct result of the college approximately three million individuals had their voice in the process effectively silenced. While their votes had been recorded, in reality they held no influence over the election’s outcome. Certainly, the implication that a system that disregards the collective desires of millions of eligible voters can nevertheless be described as democratic is irrational.

This issue of disproportionate representation amongst various states has been a fiercely debated issue for centuries. At the first Federal Convention in 1787, James Wilson, a legal scholar who was a fierce advocate of election via direct popular vote, challenged the assumption that protection of individual state interests ought to be the paramount consideration concerning the election of the Executive: "Can we forget for whom we are forming a government? Is it for men, or for the imaginary beings called States?" Wilson was not the only constitutional framer to question the nature of the electoral college. Former president James Madison declared that “the present rule of voting for President is so great a departure from the Republican principle of numerical equality… that an amendment of the Constitution on this point is justly called for by all its considerate and best friends."

Proponents of the electoral college often justify its undemocratic characteristics on the basis that the system serves a vital role by safeguarding the interests of smaller, less populated states relative to those of their larger counterparts. What they fail to acknowledge, however, is the way in which the contemporary system de-emphasizes the interests of minority groups within individual states. Indeed, nearly every state has enacted legislation that mandates the apportionment of all of their electoral votes to whichever candidate receives the most votes; irrespective of the vote distribution within the state. Otherwise known as ’first-past-the-post voting,” this method of apportioning a state’s electoral votes treats the desires of the majority, no matter how narrow, as absolute. Simply put, for electoral purposes, a candidate who wins their election by a mere one hundred votes is afforded the same electoral power as a candidate who wins by one million votes. Obviously, the potential for such systems to stifle civic participation is apparent.

To illustrate, consider a hypothetical future election in which Texas is experiencing a tightly contested election between opposing democratic and republican candidates. Ultimately, the republican receives 52% of the votes cast, while the democrat receives 48%. According to the current apportionment laws put in place by the state, the entirety of Texas’ 38 electoral votes would be cast in favor of the republican who received 52% of the vote. Allocating electoral votes in such fashion begs the question: what is to be said of the 48% of Texan voters whose preferences were cast aside concerning their state’s ultimate expression concerning who ought to be president? Rather than acting as a safeguard for the interests of the minority, the apportionment methods associated with the college instead deprived almost half of Texas’ electorate of any representation within their state’s chosen slate of electors.

Unfortunately, such situations are not purely hypothetical. In the 2000 election, the outcome of the tightly contested election between Albert Gore and George Bush was dependent on the results in the state of Florida. Ultimately, Bush won Florida, and the entirety of its 25 electoral votes, by a mere 537 votes; less than one percent of the total votes cast in the state. The slim, highly contentious victory propelled Bush to the necessary 270 electoral votes to win the presidency, despite receiving less individual votes nationally than Gore.

Contrary to the claims of its supporters, the electoral college doesn’t actually reflect an ideal balancing of various interests. Paradoxically, the college in its current form manages to simultaneously disadvantage minority interests within individual states while also devaluing the majority interest nationally. By abolishing the electoral college in favor of a national popular vote, we can ensure that the political influence of minority groups is neither arbitrarily restricted nor exaggerated.

Certainly, the college undeniably prioritizes the voices of some Americans over others; principally on the basis of geographic location. According to an analysis by the Washington Post following the 2016 election, a vote from a resident of Wyoming, the least populous state, is electorally proportional to the votes of 3.6 Californians, the most populous state. While this is an extreme example, the Post’s analysis further demonstrates that “if you average the 10 most populous states and compare the power of their residents’ votes to those of the 10 least populous states, you get a ratio of 1 to 2.5.” Certainly, even the most ardent defender of states rights would struggle to justify such a significant incongruity between the voting power of citizens in different states. More startling than the discrepancy between states, is the absence of any semblance of electoral representation for the approximately five million Americans living in permanent overseas territories such as Puerto Rico and Guam. While this is hardly surprising since the college was designed prior to the incorporation of said territories, it illustrates clearly why it is severely outdated as a method of choosing the president.

Unfortunately, not only does the College serve to marginalize citizens in larger states, but it also originally served as a practical mechanism to implement the infamous three-fifths compromise that codified the inferior status of slaves in the United States. While some attendees, particularly those hailing from free states, supported the notion of popular election; representatives from slave-owning states did not. While the populations of the northern and southern states were roughly equivalent, a third of the southern population was comprised of slaves (Codrington 2020). Under a popular vote system, slave-owning states would thus be at an inherent disadvantage; an unacceptable outcome in their eyes. A letter by James Madison describes the use of electors as necessary to account for the tens of thousands of perpetually disenfranchised slaves: “There was one difficulty however of a serious nature attending an immediate choice by the people. The right of suffrage was much more diffusive in the Northern than the Southern States; and the latter could have no influence in the election on the score of the Negroes. The substitution of electors obviated this difficulty and seemed on the whole to be liable to fewest objections.”

While slavery in the United States has (thankfully) been abolished, the electoral college continues to adversely impact black voters; particularly in the South. Although 87% of black voters identify as democratic (Pew Research), analysis by Wilfred Codrington, a fellow at the Brennan Center, demonstrates that “five of the six states whose populations are 25 percent or more black or more have been reliably red in recent presidential elections. Three of those states haven’t voted for a democrat in over four decades.” Indefensibly, the electoral college perpetuates the same malicious racial disadvantages engineered explicitly to ensure that black voters’ influence in presidential elections would be exercised solely by whites. Until the United States abolishes the electoral college, the desires of minority voters will continue to be overwhelmed and subsequently marginalized by the desires of white voters within their state.

Not only does the structure of the college itself systematically disenfranchise voters, the practice of apportioning electoral votes to states based upon congressional representation presents a dire mathematical conundrum. Throughout its history, the United States has apportioned congressional representation to states based upon the census, taken every ten years. However, since there are presidential elections held every four years, inevitably, the distribution of electoral votes will fail to accurately reflect the true population distribution for at least one, if not multiple elections. George Edwards describes this phenomenon: “When a presidential election falls in the same year as a census, the apportionment of a full decade earlier governs the allocation of electoral votes. Because of this process, the apportionment of electoral votes ALWAYS overrepresents some states and underrepresents others (Edwards 2019)." Regardless of one’s opinions regarding the validity of the electoral college, few would argue that we ought to be utilizing perpetually outdated data to determine the relative power of each state.

Beyond its tendency to misrepresent the populations of the various states proportionally, apportionment of electoral votes via the census inevitably fails to recognize substantial numbers of Americans in the apportionment process whatsoever. Consider the most recent census, taken in 2020, that indicates that the U.S. population grew 7.4 percent between 2010 and 2020 (Washington Post 2021). Troublingly, this means that the electoral votes in the 2012, 2016 and particularly the 2020 presidential elections were apportioned using incorrect population data. Put another way, the United States elected three different presidents using data that was at best two years out-of-date. The difference between the 2010 and 2020 censuses is more than 22.7 million individuals. Those are 22.7 million Americans who were not represented in their state’s apportioned sum of electoral votes; a gross violation of democratic principles. Furthermore, the increase of 7.4% between 2010 and 2020 is the lowest since 1930-1940. The problems inherent in the current apportionment system further demonstrate that drastic underrepresentation in the electoral college is the standard, not the exception.

Beyond the disproportionate representation afforded to small states through the electoral college, its supporters also claim that the electoral votes guaranteed to each state further protect the interests of small states by precluding candidates from focusing their campaign efforts solely on the most populous states at the expense of the more sparsely populated regions of the nation. By ensuring that all states have some individual influence in the election, supporters argue the college forces candidates to devote attention to all states regardless of their population (Edwards 2019). However, analysis of presidential candidates’ campaign visits indicates that the college does little to incentivize candidates to broaden their travel. Regrettably, it appears to do the opposite, allowing candidates to ignore the states they are expected to win while focusing almost entirely on tightly contested battleground states. The college not only fails to ensure nationwide campaigning, the winner-take-all method of apportioning votes to candidates actively discourages it. Consider that in the 2016 election, Donald Trump made campaign visits to only 19 states. Similarly, Hilary Clinton campaigned in a mere 13 states. Trump and Clinton further concentrated their travel in battleground states: 95% of their campaign appearances between July 19th and November 7th took place in fourteen battleground states. Furthermore, neither candidate visited any of the seven smallest states---those with three electoral votes (Ch. 6 Edwards 2019). Contrary to claims that the electoral college promotes diverse campaign efforts, it actually provides a mathematical justification for candidates to devote their resources to the handful of states whose outcomes are in question.

Unquestionably, the electoral college in its current form utterly fails to accurately reflect the desires of the American people. It is patently undemocratic; and indicates in no uncertain terms to the residents of larger states that the desires of some Americans are less important than others. Indeed, the desires of those in overseas territories don’t seem to matter at all. Despite the boldly-asserted claims of its supporters, it does little to safeguard the interests of smaller states. On the contrary, the historical neglect of smaller states by prospective presidential candidates indicates that it may do the opposite. Moreover, the electoral college continues to disenfranchise minority voters, (as it was intended to). Finally, the college misrepresents the true population distribution nationwide by apportioning votes to states using perpetually outdated data.
With this in mind, I maintain that the U.S. ought to amend the constitution to elect the president through a popular vote. By doing so, the United States will ensure that the votes of each citizen are weighted equally regardless of where they live. While the preservation of individual states’ interests is surely an important consideration within American politics, there is little evidence that the electoral college succeeds in doing so. However, even if it did, the election of the president ought to encompass the desires of the entire populace, not just those in a handful of “battleground” states. After all, there is only one president. One individual who represents all Americans regardless of the state they’re from. Certainly, all Americans ought to have an equal voice in determining who that representative ought to be.

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