

PRESIDENTIAL ELECTIONS

When you vote for president, remember that you're voting in a *state election*, not a national election.

There is no national election for president, only separate state elections. For a candidate to become president, **he or she must win enough state elections to garner a majority of electoral votes**. Presidential campaigns, therefore, focus on winning states, not on winning a national majority.

The electoral college is not the worst team in the ACC. It's the group of people who actually elect the president of the United States. How the electoral college works is one of the more complicated parts of the American electoral process — or can be, at least, when things don't go smoothly.

In December, the electors meet in their respective state capitols to cast their ballots for president and vice president. **States may or may not require their electors to vote with the popular majority**, and they may or may not give all of their electors to the winner of the statewide popular vote. (See "[A Work in Progress](#)," in this [link](#).)

These ballots are opened, counted, and certified by a joint session of Congress in January.

If no candidate wins a majority of the electoral votes or if the top two candidates are tied, the House of Representatives selects a president from among the five candidates with the most votes. Each state's delegation has a single vote. The Senate selects a vice president by the same process. (This hasn't happened since 1876, but it almost happened in 2000.)

The 2012 Presidential Primary Calendar and Electoral MAP:

<http://frontloading.blogspot.com/p/2012-presidential-primary-calendar.html>

Legal Requirements or Pledges

Electors in these States are bound by State Law or by pledges to cast their vote for a specific candidate:

<http://archives.gov/federal-register/electoral-college/laws.html>

Some FAQ's:

<http://archives.gov/federal-register/electoral-college/faq.html#mystate> :

Is my vote for President and Vice President meaningful in the Electoral College system?

Yes, within your state, your vote has a great deal of significance.

Under the Electoral College system, **we do not elect the President and Vice President through a direct nation-wide vote**. We select electors, who pledge their electoral vote to a specific candidate.

In December, the electors of each state meet to vote for President and Vice President. The Presidential election is decided by the combined results of the 51 (the 50 states and the District of Columbia) state elections. ***It is possible that an elector could ignore the results of the popular vote, it occurs very rarely.***

Your vote helps decide which candidate receives your state's electoral votes

What Federal laws govern the Electoral College system?

- [Article II, Section 1 of the U.S. Constitution](#)
- [12th Amendment to the Constitution](#)

- [United States Code, Title 3, Chapter 1](#) (3 U.S.C. §§ 1 - 21)

For more information, see:

- [A Procedural Guide to the Electoral College](#)

How does the Electoral College process work in my State?

For information on the electoral process in your State, you may wish to contact the Secretary of State of your State.

For example, the Secretary of the Commonwealth of Massachusetts has a web page devoted to the electoral college: [All About the Electoral College in Massachusetts](#).

To find your Secretary of State, go to the web site for the National Association of Secretaries of State: <http://www.nass.org>.

Why do we still have the Electoral College?

The Electoral College process is part of the original design of the U.S. Constitution. **It would be necessary to pass a Constitutional amendment to change this system.**

Note that the 12th Amendment, the expansion of voting rights, and the use of the popular vote in the States as the vehicle for selecting electors has substantially changed the process.


Many different proposals to alter the Presidential election process have been offered over the years, such as direct nation-wide election by the People, but none have been passed by Congress and sent to the States for ratification. Under the most common method for amending the Constitution, an amendment must be proposed by a two-thirds majority in both houses of Congress and ratified by three-fourths of the States.

What proposals have been made to change the Electoral College system?

Reference sources indicate that over the past 200 years, over 700 proposals have been introduced in Congress to reform or eliminate the Electoral College. There have been more proposals for Constitutional amendments on changing the Electoral College than on any other subject. The American Bar Association has criticized the Electoral College as "archaic" and "ambiguous" and its polling showed 69 percent of lawyers favored abolishing it in 1987. But surveys of political scientists have supported continuation of the Electoral College. Public opinion polls have shown Americans favored abolishing it by majorities of 58 percent in 1967; 81 percent in 1968; and 75 percent in 1981.

Opinions on the viability of the Electoral College system may be affected by attitudes toward third parties. Third parties have not fared well in the Electoral College system. Candidates with regional appeal such as Governor Thurmond in 1948 and Governor Wallace in 1968 won blocs of electoral votes in the South, which may have affected the outcome, but did not come close to seriously challenging the major party winner. The last third party or splinter party candidate to make a strong showing was Theodore Roosevelt in 1912 (Progressive, also known as the Bull Moose Party). He finished a distant second in electoral and popular votes (taking 88 of the 266 electoral votes needed to win). Although Ross Perot won 19 percent of the popular vote nationwide in 1992, he did not win any electoral votes since he was not particularly strong in any one or several states. Any candidate who wins a majority or plurality of the popular vote has a good chance of winning in the Electoral College, but there are no guarantees (see the [results of 1824, 1876, 1888 and 2000 elections](#)).

Presidential Election Laws

- [Provisions of the Constitution](#)
- [United States Code](#)
- [2008 Presidential Election Pamphlet](#) 

This information has been compiled and published in pamphlet form by the Office of the Federal Register, National Archives and Records Administration, for use by the Executives and Electors of the several States in the performance of their duties in connection with Presidential Elections.

THE CONSTITUTION

Article II

Section 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

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 Congress may determine the Time of choosing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

Twelfth Amendment

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, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;--The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states

shall be necessary to a choice.... The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President to the United States.

Fourteenth Amendment

Section 3. No person shall be... elector of President and Vice President ... who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Fifteenth Amendment

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Nineteenth Amendment

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Twentieth Amendment

Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Twenty-Second Amendment

Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

Twenty-Third Amendment

Section 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Twenty-Fourth Amendment

Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

Twenty-Fifth Amendment

Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

Twenty-Sixth Amendment

Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

UNITED STATES CODE

The following provisions of law governing Presidential Elections are contained in Chapter 1 of Title 3, United States Code (62 Stat. 672, as amended):

TITLE 3 THE PRESIDENT

Chapter 1. Presidential Elections and Vacancies

[Skip to First Half of Provisions](#) | [Skip to Second Half of Provisions](#)

Section

1. Time of appointing electors.
 2. Failure to make choice on prescribed day.
 3. Number of electors.
 4. Vacancies in electoral college.
 5. Determination of controversy as to appointment of electors.
 6. Credentials of electors; transmission to Archivist of the United States and to Congress; public inspection.
 7. Meeting and vote of electors.
 8. Manner of voting.
 9. Certificates of votes for President and Vice President.
 10. Sealing and endorsing certificates.
 11. Disposition of certificates.
 12. Failure of certificates of electors to reach President of the Senate or Archivist of the United States; demand on State for certificate.
 13. Same; demand on district judge for certificate.
 14. Forfeiture for messenger's neglect of duty.
 15. Counting electoral votes in Congress.
 16. Same; seats for officers and Members of two Houses in joint meeting.
 17. Same; limit of debate in each House.
 18. Same; parliamentary procedure at joint meeting.
 19. Vacancy in offices of both President and Vice President; officers eligible to act.
 20. Resignation or refusal of office.
 21. Definitions.
-

Chapter 1. Presidential Elections and Vacancies

Return to [3 USC Ch. 1, Table of Contents](#)

Time of appointing electors

§ 1. The electors of President and Vice President shall be appointed, in each State, on the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and Vice President.

Failure to make choice on prescribed day

§ 2. Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct.

Number of electors

§ 3. The number of electors shall be equal to the number of Senators and Representatives to which the several States are by law entitled at the time when the President and Vice President to be chosen come into office; except, that where no apportionment of Representatives has been made after any enumeration, at the time of choosing electors, the number of electors shall be according to the then existing apportionment of Senators and Representatives.

Vacancies in electoral college

§ 4. Each State may, by law, provide for the filling of any vacancies which may occur in its college of electors when such college meets to give its electoral vote.

Determination of controversy as to appointment of electors

§ 5. If any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned.

Credentials of electors; transmission to archivist of the united states and to congress; public inspection

§ 6. It shall be the duty of the executive of each State, as soon as practicable after the conclusion of the appointment of the electors in such State by the final ascertainment, under and in pursuance of the laws of such State providing for such ascertainment, to communicate by registered mail under the seal of the State to the Archivist of the United States a certificate of such ascertainment of the electors appointed, setting forth the names of such electors and the canvass or other ascertainment under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast; and it shall also thereupon be the duty of the executive of each State to deliver to the electors of such State, on or before the day on which they are required by section 7 of this title to meet, six duplicate-originals of the same certificate under the seal of the State; and if there shall have been any final determination in a State in the manner provided for by law of a controversy or contest concerning the appointment of all or any of the electors of such State, it shall be the duty of the executive of such State, as soon as practicable after such determination, to communicate under the seal of the State to the Archivist of the United States a certificate of such determination in form and manner as the same shall have been made; and the certificate or certificates so received by the Archivist of the United States shall be preserved by him for one year and shall be a part of the public records of his office and shall be open to public inspection; and the Archivist of the United States at the first meeting of Congress thereafter shall transmit to the two Houses of Congress copies in full of each and every such certificate so received at the National Archives and Records Administration.

Meeting and vote of electors

§ 7. The electors of President and Vice President of each State shall meet and give their votes on the first Monday after the second Wednesday in December next following their appointment at such place in each State as the legislature of such State shall direct.

Manner of voting

§ 8. The electors shall vote for President and Vice President, respectively, in the manner directed by the Constitution.

Certificates of votes for president and vice president

§ 9. The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President, and shall annex to each of the certificates one of the lists of the electors which shall have been furnished to them by direction of the executive of the State.

Sealing and endorsing certificates

§ 10. The electors shall seal up the certificates so made by them, and certify upon each that the lists of all the votes of such State given for President, and of all the votes given for Vice President, are contained therein.

Return to [3 USC Ch. 1, Table of Contents](#)

Disposition of certificates

§ 11. The electors shall dispose of the certificates so made by them and the lists attached thereto in the following manner:

First. They shall forthwith forward by registered mail one of the same to the President of the Senate at the seat of government.

Second. Two of the same shall be delivered to the secretary of state of the State, one of which shall be held subject to the order of the President of the Senate, the other to be preserved by him for one year and shall be a part of the public records of his office and shall be open to public inspection.

Third. On the day thereafter they shall forward by registered mail two of such certificates and lists to the Archivist of the United States at the seat of government, one of which shall be held subject to the order of the President of the Senate. The other shall be preserved by the Archivist of the United States for one year and shall be a part of the public records of his office and shall be open to public inspection.

Fourth. They shall forthwith cause the other of the certificates and lists to be delivered to the judge of the district in which the electors shall have assembled.

Failure of certificates of electors to reach president of the senate or archivist of the united states; demand on state for certificate

§ 12. When no certificate of vote and list mentioned in sections 9 and 11 and of this title from any State shall have been received by the President of the Senate or by the Archivist of the

United States by the fourth Wednesday in December, after the meeting of the electors shall have been held, the President of the Senate or, if he be absent from the seat of government, the Archivist of the United States shall request, by the most expeditious method available, the secretary of state of the State to send up the certificate and list lodged with him by the electors of such State; and it shall be his duty upon receipt of such request immediately to transmit same by registered mail to the President of the Senate at the seat of government.

Same; demand on district judge for certificate

§ 13. When no certificates of votes from any State shall have been received at the seat of government on the fourth Wednesday in December, after the meeting of the electors shall have been held, the President of the Senate or, if he be absent from the seat of government, the Archivist of the United States shall send a special messenger to the district judge in whose custody one certificate of votes from that State has been lodged, and such judge shall forthwith transmit that list by the hand of such messenger to the seat of government.

Forfeiture for messenger's neglect of duty

§ 14. Every person who, having been appointed, pursuant to section 13 of this title, to deliver the certificates of the votes of the electors to the President of the Senate, and having accepted such appointment, shall neglect to perform the services required from him, shall forfeit the sum of \$1,000.

Counting electoral votes in congress

§ 15. Congress shall be in session on the sixth day of January succeeding every meeting of the electors. The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of 1 o'clock in the afternoon on that day, and the President of the Senate shall be their presiding officer. Two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted according to the rules in this subchapter provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses. Upon such reading of any such certificate or paper, the President of the Senate shall call for objections, if any. Every objection shall be made in writing, and shall state clearly and concisely, and without argument, the ground thereof, and shall be signed by at least one Senator and one Member of the House of Representatives before the same shall be received. When all objections so made to any vote or paper from a State shall have been received and read, the Senate shall thereupon withdraw, and such objections shall be submitted to the Senate for its decision; and the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision; and no electoral vote or votes from any State which shall have been regularly given by electors whose appointment has been lawfully certified to according to section 6 of this title from which but one return has been received shall be rejected, but the two Houses

concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified. If more than one return or paper purporting to be a return from a State shall have been received by the President of the Senate, those votes, and those only, shall be counted which shall have been regularly given by the electors who are shown by the determination mentioned in section 5 of this title to have been appointed, if the determination in said section provided for shall have been made, or by such successors or substitutes, in case of a vacancy in the board of electors so ascertained, as have been appointed to fill such vacancy in the mode provided by the laws of the State; but in case there shall arise the question which of two or more of such State authorities determining what electors have been appointed, as mentioned in section 5 of this title, is the lawful tribunal of such State, the votes regularly given of those electors, and those only, of such State shall be counted whose title as electors the two Houses, acting separately, shall concurrently decide is supported by the decision of such State so authorized by its law; and in such case of more than one return or paper purporting to be a return from a State, if there shall have been no such determination of the question in the State aforesaid, then those votes, and those only, shall be counted which the two Houses shall concurrently decide were cast by lawful electors appointed in accordance with the laws of the State, unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State. But if the two Houses shall disagree in respect of the counting of such votes, then, and in that case, the votes of the electors whose appointment shall have been certified by the executive of the State, under the seal thereof, shall be counted. When the two Houses have voted, they shall immediately again meet, and the presiding officer shall then announce the decision of the questions submitted. No votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of.

Same; seats for officers and members of two houses in joint meeting

§ 16. At such joint meeting of the two Houses seats shall be provided as follows: For the President of the Senate, the Speaker's chair; for the Speaker, immediately upon his left; the Senators, in the body of the Hall upon the right of the presiding officer; for the Representatives, in the body of the Hall not provided for the Senators; for the tellers, Secretary of the Senate, and Clerk of the House of Representatives, at the Clerk's desk; for the other officers of the two Houses, in front of the Clerk's desk and upon each side of the Speaker's platform. Such joint meeting shall not be dissolved until the count of electoral votes shall be completed and the result declared; and no recess shall be taken unless a question shall have arisen in regard to counting any such votes, or otherwise under this subchapter, in which case it shall be competent for either House, acting separately, in the manner hereinbefore provided, to direct a recess of such House not beyond the next calendar day, Sunday excepted, at the hour of 10 o'clock in the forenoon. But if the counting of the electoral votes and the declaration of the result shall not have been completed before the fifth calendar day next after such first meeting of the two Houses, no further or other recess shall be taken by either House.

Same; limit of debate in each house

§ 17. When the two Houses separate to decide upon an objection that may have been made to the counting of any electoral vote or votes from any State, or other question arising in the matter, each Senator and Representative may speak to such objection or question five minutes, and not more than once; but after such debate shall have lasted two hours it shall be the duty of the presiding officer of each House to put the main question without further debate.

Same; parliamentary procedure at joint meeting

§ 18. While the two Houses shall be in meeting as provided in this chapter, the President of the Senate shall have power to preserve order; and no debate shall be allowed and no question shall be put by the presiding officer except to either House on a motion to withdraw.

Vacancy in offices of both president and vice president; officers eligible to act

§ 19. (a) (1) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is neither a President nor Vice President to discharge the powers and duties of the office of President, then the Speaker of the House of Representatives shall, upon his resignation as Speaker and as Representative in Congress, act as President.

(2) The same rule shall apply in the case of the death, resignation, removal from office, or inability of an individual acting as President under this subsection.

(b) If, at the time when under subsection (a) of this section a Speaker is to begin the discharge of the powers and duties of the office of President, there is no Speaker, or the Speaker fails to qualify as Acting President, then the President pro tempore of the Senate shall, upon his resignation as President pro tempore and as Senator, act as President.

(c) An individual acting as President under subsection (a) or subsection (b) of this section shall continue to act until the expiration of the then current Presidential term, except that

(1) if his discharge of the powers and duties of the office is founded in whole or in part on the failure of both the President-elect and the Vice-President-elect to qualify, then he shall act only until a President or Vice President qualifies; and

(2) if his discharge of the powers and duties of the office is founded in whole or in part on the inability of the President or Vice President, then he shall act only until the removal of the disability of one of such individuals.

(d) (1) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is no President pro tempore to act as President under subsection (b) of this section, then the officer of the United States who is highest on the following list, and who is not under disability to discharge the powers and duties of the office of President shall act as President: Secretary of State, Secretary of the Treasury, Secretary of Defense, Attorney General, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of Labor, Secretary of Health and Human Services, Secretary of Housing and Urban Development, Secretary of Transportation, Secretary of Energy, Secretary of Education, Secretary of Veterans Affairs.

(2) An individual acting as President under this subsection shall continue so to do until the expiration of the then current Presidential term, but not after a qualified and prior-entitled individual is able to act, except that the removal of the disability of an individual higher on the list contained in paragraph (1) of this subsection or the ability to qualify on the part of an individual higher on such list shall not terminate his service.

(3) The taking of the oath of office by an individual specified in the list in paragraph (1) of this subsection shall be held to constitute his resignation from the office by virtue of the holding of which he qualifies to act as President.

(e) Subsections (a), (b), and (d) of this section shall apply only to such officers as are eligible to the office of President under the Constitution. Subsection (d) of this section shall apply only to officers appointed, by and with the advice and consent of the Senate, prior to the time of the death, resignation, removal from office, inability, or failure to qualify, of the President pro tempore, and only to officers not under impeachment by the House of Representatives at the time the powers and duties of the office of President devolve upon them.

(f) During the period that any individual acts as President under this section, his compensation shall be at the rate then provided by law in the case of the President.

Resignation or refusal of office

§ 20. The only evidence of a refusal to accept, or of a resignation of the office of President or Vice President, shall be an instrument in writing, declaring the same, and subscribed by the person refusing to accept or resigning, as the case may be, and delivered into the office of the Secretary of State.

Definitions

§ 21. As used in this chapter the term -

(a) "State" includes the District of Columbia.

(b) "executives of each State" includes the Board of Commissioners * of the District of Columbia.

* The functions of the Board of Commissioners of the District of Columbia are now performed by the Mayor of the District of Columbia. (Reorganization Plan No. 3 of 1967, Section 401, 81 Stat. 948; Pub. L. 93-198, Sections 422 and 711, 87 Stat. 790, 818.)

The people of the United States [vote for the electors](#) who then vote for the President.

2008 Presidential Election

Summary of Key Dates, Events & Information

June thru October

- [Preparation Stage](#)

The Federal Register prepares letters and instructional materials for the Archivist to send to the Governors of the 50 States and the Mayor of the District of Columbia. The materials include pamphlets on Federal election law and detailed instructions on how to prepare and submit the electors' credentials (Certificates of Ascertainment) and the electoral votes (Certificates of Vote). In October, the Federal Register begins contacting Governors and Secretaries of State to establish contacts for the coming election.

November 4th

- **General Election**

Registered voters in each State and the District of Columbia vote for President and Vice President. They cast their vote by selecting a pair of candidates listed on a single Presidential/Vice Presidential ticket. By doing so, they also choose slates of Electors to serve in the Electoral College. Forty-eight of the fifty States and the District of Columbia are "[winner-take-all](#)" (ME and NE are the exceptions).

Mid-November thru December 15th

- **[Transmission of Certificates of Ascertainment to NARA](#)**

The Ascertainment lists the names of the electors appointed and the number of votes cast for each person. The States prepare seven originals authenticated by the Governor's signature and the State seal. One original and two certified copies are sent to the Federal Register (the remaining six are attached to the electoral votes at the State meetings). The Governors must submit the certificates "as soon as practicable," after their States certify election results. They should be transmitted no later than December 15 (but Federal law sets no penalty for missing the deadline).

December 9th

- **Date for Determination of Controversy as to Appointment of Electors**

States must make final determinations of any controversies or contests as to the appointment of electors at least six days before December 15 meetings of electors for their electoral votes to be presumptively valid when presented to Congress. Determinations by States' lawful tribunals are conclusive, if decided under laws enacted prior to election day.

December 15th

- **[Meetings of Electors](#) and [Transmission of Certificates of Vote to NARA](#)**

The electors meet in their State to select the President and Vice President of the United States. No Constitutional provision or Federal law requires electors to vote in accordance with the popular vote in their States. NARA's web site lists the [States that have laws to bind electors to candidates](#) "the Party vote". The electors record their votes on six "Certificates of Vote," which are paired with the six remaining Certificates of Ascertainment. The electors sign, seal and certify packages of electoral votes and immediately send one set of votes to the President of the Senate and two sets to the Archivist. The Federal Register preserves one archival set and holds the reserve set subject to the call of the President of the Senate to replace missing or incomplete electoral votes.

December 24th

- **Deadline for Receipt of Electoral Votes at NARA**

The President of the Senate and the Archivist should have the electoral votes in hand by December 24, 2008 (States face no legal penalty for failure to comply). If votes are lost or delayed, the Archivist may take extraordinary measures to retrieve duplicate originals.

On or Before January 3rd

- **Transmission of Certificates of Ascertainment to Congress**

As the new Congress assembles, the Archivist transmits copies of the Certificates of Ascertainment to Congress. This generally occurs in late December or early January

when the Archivist and/or representatives from the Federal Register meet with the Secretary of the Senate and the Clerk of the House. This is, in part, a ceremonial occasion. Informal meetings may take place earlier.

January 8th

- **Counting Electoral Votes in Congress**

Public Law 110-430 changed the date of the electoral vote in Congress in 2009 from January 6 to January 8. This date change is effective only for the 2008 presidential election.

The Congress meets in joint session to count the electoral votes (Congress may pass a law to change the date). The President of the Senate is the presiding officer. If a Senator and a House member jointly submit an objection, each House would retire to its chamber to consider it. The President and Vice President must achieve a majority of electoral votes (270) to be elected. In the absence of a majority, the House selects the President, and the Senate selects the Vice President. If a State submits conflicting sets of electoral votes to Congress, the two Houses acting concurrently may accept or reject the votes. If they do not concur, the votes of the electors certified by the Governor of the State would be counted in Congress.

January 20th by Noon

- **Inauguration**

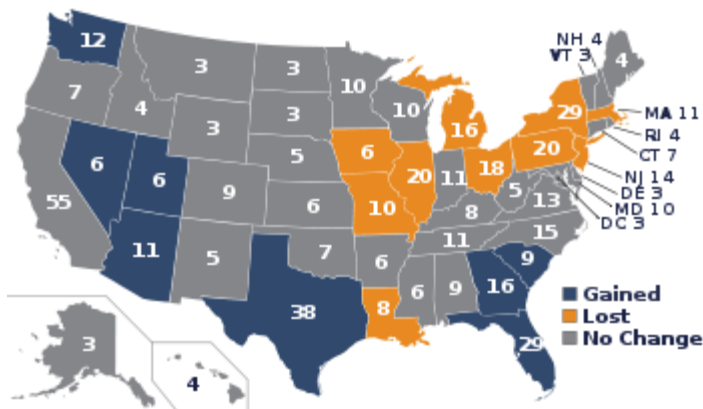
The President elect takes the Oath of Office and becomes the U.S. President.

General Authority

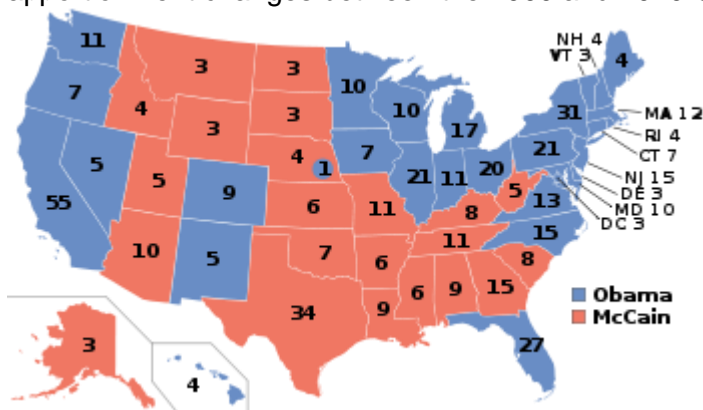
The Archivist of the United States, as the head of the National Archives and Records Administration (NARA), is responsible for carrying out ministerial duties on behalf of the States and the Congress under 3 U.S.C. sections 6, 11, 12, and 13. NARA is primarily responsible for coordinating the various stages of the electoral process by helping the States prepare and submit certificates that establish the appointment of electors and validate the electoral votes of each State. The Archivist delegates operational duties to the Director of the Federal Register. The Federal Register Legal Staff ensures that electoral documents are transmitted to Congress, made available to the public, and preserved as part of our nation's history. The Legal Staff reviews the electoral certificates for the required signatures, seals and other matters of form, as specified in Federal law. Only the Congress and the Courts have the authority to rule on substantive legal issues.

Electoral College (United States)

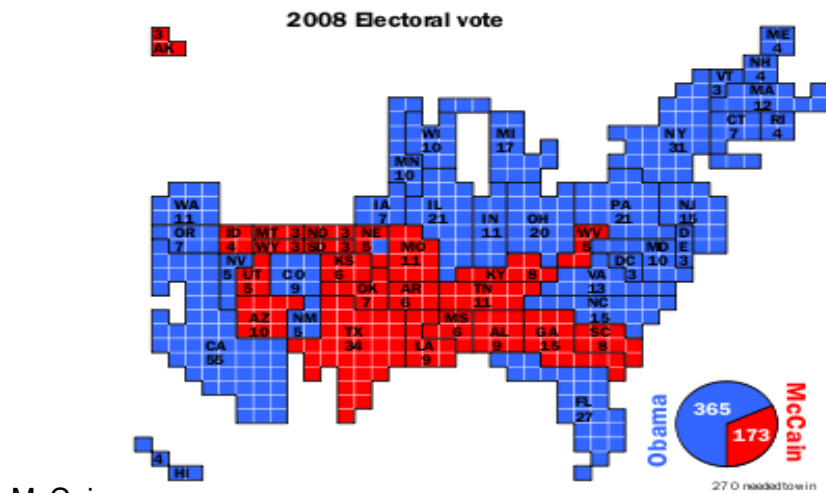
This article is about the U.S. system of electing the president. For electoral colleges in general, see [Electoral college](#). For other uses, see [Electoral college \(disambiguation\)](#).



Electoral votes by state/federal district, for the elections of [2012](#), 2016 and 2020, with apportionment changes between the 2000 and 2010 Censuses



Electoral College map showing the results of the [2008 U.S. presidential election](#). Senator [Barack Obama \(D-IL\)](#) won the popular vote in 28 states and the District of Columbia (denoted in blue) to capture 365 electoral votes. Senator [John McCain \(R-AZ\)](#) won the popular vote in 22 states (denoted in red) to capture 173 electoral votes. [Nebraska](#) split its electoral vote when Senator Obama won the electoral vote from [Nebraska's 2nd congressional district](#); the state's other four electoral votes went to Senator



McCain.



[Cartogram](#) representation of the Electoral College vote for the [2008 election](#), with each square representing one electoral vote.

The **Electoral College** consists of the electors appointed by each state who formally elect the [President](#) and [Vice President of the United States](#). Since 1964, there have been 538 electors in each presidential election.^[1] [Article II, Section 1, Clause 2](#) of the Constitution specifies how many electors each state is entitled to have and that each state's legislature decides how its electors are to be chosen. [U.S. territories](#) are not represented in the Electoral College. The Electoral College is an example of an [indirect election](#), as opposed to a [direct election](#) by [United States citizens](#).

The voters of each state, and the [District of Columbia](#), vote for electors to be the authorized constitutional participants in a presidential election. In early U.S. history, some state laws delegated the choice of electors to the state legislature. Electors are free to vote for anyone eligible to be President, but in practice pledge to vote for specific candidates and voters cast ballots for favored presidential and vice presidential candidates by voting for correspondingly pledged electors.^{[2][3]}

The [Twelfth Amendment](#) provides for each elector to cast one vote for President and one vote for Vice President. It also specifies how a President and Vice President are elected. The [Twenty-third Amendment](#) specifies how many electors the District of Columbia is entitled to have.

The Electoral College's existence is controversial. A 2001 [Gallup](#) article noted that "a majority of Americans have continually expressed support for the notion of an official amendment of the U.S. Constitution that would allow for direct election of the president" since one of the first-ever public polls on the matter in 1944, and Gallup found no significant change in 2004.^{[4][5]} Critics argue that the Electoral College is archaic, inherently undemocratic and gives certain [swing states](#) disproportionate influence in selecting the President and Vice President. Proponents argue that the Electoral College is an important, distinguishing feature of [federalism in the United States](#) and that it protects the rights of smaller states. Numerous [constitutional amendments](#) have been introduced in the [Congress](#) seeking to alter the Electoral College or replace it with a direct popular vote; however, no proposal has ever passed the Congress.

Contents

- [1 Background](#)
 - [1.1 Origin of name](#)
 - [1.2 Original plan](#)
 - [1.3 Breakdown and revision](#)
 - [1.4 The Bayh-Celler Amendment](#)
- [2 Modern Electoral College mechanics](#)
 - [2.1 Summary](#)
 - [2.2 Apportionment of electors](#)
 - [2.3 Nomination of electors](#)
 - [2.4 Disqualification of electors](#)
 - [2.5 Election Day](#)
 - [2.6 Meetings of electors](#)
 - [2.7 Faithless electors](#)
 - [2.8 Joint session of Congress and the contingent election](#)

- [2.9 Contingent presidential election by House](#)
- [2.10 Contingent vice presidential election by Senate](#)
- [2.11 Deadlocked chambers](#)
- [2.12 Current electoral vote distribution](#)
- [3 Alternative methods of choosing electors](#)
 - [3.1 Appointment by state legislature](#)
 - [3.2 Electoral districts](#)
 - [3.3 Congressional District Method](#)
 - [3.4 Proportional vote](#)
- [4 Contemporary conflict over the Electoral College](#)
 - [4.1 Criticism of the Electoral College](#)
 - [4.1.1 Irrelevancy of national popular vote](#)
 - [4.1.2 Focus on large swing states](#)
 - [4.1.3 Discourages turnout and participation](#)
 - [4.1.4 Allows states to disenfranchise citizens without penalty](#)
 - [4.1.5 Favors less populous states](#)
 - [4.1.6 Disadvantage for third parties](#)
 - [4.2 Arguments supporting the Electoral College](#)
 - [4.2.1 Prevents an urban-centric victory](#)
 - [4.2.2 Maintains the federal character of the nation](#)
 - [4.2.3 Enhances status of minority groups](#)
 - [4.2.4 Encourages stability through the two-party system](#)
 - [4.2.5 Death or legally defined disability of a presidential candidate](#)
 - [4.2.6 Isolation of election problems](#)
 - [4.2.7 State election systems](#)
 - [4.2.8 Neutralizes turnout disparities between states](#)
 - [4.2.9 Maintains separation of powers](#)
- [5 National Popular Vote Interstate Compact](#)
- [6 See also](#)
- [7 Notes](#)
- [8 External links](#)

[Background

At the [Constitutional Convention](#), the delegates used the [Virginia Plan](#) as the basis for discussions, as the Virginia delegation had proposed it first. The Virginia Plan called for the Executive to be elected by the Legislature.^[6] Delegates from a majority of states agreed to this mode of election.^[7] However, the Committee of Eleven, formed to work out various details including the mode of election of the President, recommended instead that the election be by a group of people apportioned among the states in the same numbers as their representatives in Congress (the formula for which had been resolved in lengthy debates resulting in the [Connecticut Compromise](#) and [Three-fifths compromise](#)), but chosen by each state "in such manner as its Legislature may direct." Committee member [Gouverneur Morris](#) explained the reasons for the change; among others, there were fears of "intrigue" if the President was chosen by a small group of men who met together regularly, as well as concerns for the independence of the President if he was elected by the Congress.^[8] Some delegates, including James Wilson and James Madison, preferred popular election of the executive. Madison acknowledged that while a popular vote would be ideal, it would be difficult to get consensus on the proposal given the prevalence of [slavery](#) in the South.^[9]

"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 Negroes. The substitution of electors obviated this difficulty and seemed on the whole to be liable to the fewest objections."

The Convention approved the Committee's Electoral College proposal, with minor modifications, on September 6, 1787.^[10] Delegates from the small states generally favored the Electoral College out of concern that the large states would otherwise control presidential elections.^[11]

Origin of name

Although the United States Constitution refers to "Electors" and "electors", the name "Electoral College" — or any other name — is never used to describe the electors collectively. It was not until the early 19th century that the name "Electoral College" came into general usage as the collective designation for the electors selected to cast votes for President and Vice President. It was first written into federal law in 1845 and today the term appears in [3 U.S.C. § 4](#), in the section heading and in the text as "college of electors."^[12]

Original plan

[Article II, Section 1, Clause 2](#) of the Constitution states:

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.

[Article II, Section 1, Clause 4](#) of the Constitution states:

The Congress may determine the Time of choosing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

[Article II, Section 1, Clause 3](#) of the Constitution provided for the original fashion by which the President and Vice President were to be chosen by the electors. In the original system, the candidate who received both the most votes and more than half of all votes cast would become President, the candidate receiving the second most votes would become Vice President.

This was changed in 1804 by the [Twelfth Amendment](#) so that the President and the Vice President were elected separately, each according to the rules set forth originally for election of the President: the candidate with the greatest number of votes and more than half of all votes cast would become the President or the Vice President.

The design of the Electoral College was based upon several assumptions and anticipations of the Framers of the Constitution:^[13]

1. Each state would employ the district system of allocating electors.
2. Each presidential elector would exercise independent judgment when voting.

3. Candidates would not pair together on the same ticket with assumed placements toward each office of President and Vice President.
4. The system as designed would rarely produce a winner, thus sending the election to Congress.

On these facts, some scholars have described the Electoral College as being intended to nominate candidates from which the Congress would then select a President and Vice President.^[14]

Each state government is free to have its own plan for selecting its electors. Several different methods are described at length [below](#).

Breakdown and revision

The emergence of [political parties](#) and nationally coordinated election campaigns soon complicated matters in the elections of [1796](#) and [1800](#). In 1796, the winner of the election was [John Adams](#), a member of the [Federalist Party](#). The runner up, and therefore the new Vice President, was [Thomas Jefferson](#) of the opposition [Democratic-Republican Party](#).

In 1800, the candidates of the Democratic-Republican Party were Jefferson for President and [Aaron Burr](#) for Vice President. Each received the same number of electoral votes and, since all electoral votes were for President, Burr's votes were technically for him being President even though he was his party's second choice. Jefferson was so hated by Federalists that the party members sitting in the [lame duck](#) Congress tried to elect Burr. The Congress deadlocked for 35 ballots as neither candidate received the necessary majority vote of the state delegations in the House (the votes of nine states were needed for an election). Only after Federalist Party leader [Alexander Hamilton](#)—who disliked Burr much more than Jefferson—made known his preference for Jefferson was the issue resolved on the 36th ballot.

In response to those elections, the Congress proposed the [Twelfth Amendment](#)—with electors casting one vote for President and one vote for Vice President—to replace the system outlined in Article II, Section 1, Clause 3. The Twelfth Amendment was proposed in 1803 and was adopted in 1804.

The Bayh-Celler Amendment

The closest the country has ever come to abolishing the Electoral College occurred during the [91st Congress](#).^[15] [The presidential election of 1968](#) ended with [Richard Nixon](#) receiving 301 electoral votes to [Hubert Humphrey](#)'s 191. Yet, Nixon had only received 511,944 more popular votes than Humphrey, equating to less than 1% of the national total. [George Wallace](#) received the remaining 46 electoral votes with only 13.5% of the popular vote.^[16]

Representative [Emanuel Celler](#), Chairman of the U.S. House of Representatives Judiciary Committee, responded to public concerns over the disparity between the popular vote and electoral vote by introducing House Joint Resolution 681, a proposed Constitutional amendment which would have abolished the Electoral College and replaced it with a system wherein the pair of candidates who won at least 40% of the national popular vote would win the Presidency and Vice Presidency respectively. If no pair received 40% of the popular vote, a runoff election would be held in which the choice of President and Vice President would be made from the two pairs of persons who had received the highest number of votes in the first election. The word

"pair" was defined as "two persons who shall have consented to the joining of their names as candidates for the offices of President and Vice President."^[17]

On April 29, 1969, the House Judiciary Committee voted favorably, 28–6, to approve the proposal.^[18] Debate on the proposal before the full House of Representatives ended on September 11, 1969^[19] and was eventually passed with bipartisan support on September 18, 1969, being approved by a vote of 339 to 70.^[20]

On September 30, 1969, President Richard Nixon gave his endorsement for adoption of the proposal, encouraging the Senate to pass its version of the proposal which had been sponsored as Senate Joint Resolution 1 by Senator [Birch Bayh](#).^[21]

In its October 8, 1969 edition, the New York Times reported that 30 state legislatures were "either certain or likely to approve a constitutional amendment embodying the direct election plan if it passes its final Congressional test in the Senate." Ratification of 38 state legislatures would have been needed for adoption. The paper also reported that 6 other states had yet to state a preference, 6 were leaning toward opposition and 8 were solidly opposed.^[22]

On August 14, 1970, the Senate Judiciary Committee sent its report advocating passage of the proposal to the full Senate. The Judiciary Committee had approved the proposal by a vote of 11 to 6. The six members who opposed the plan, Democratic Senators [James Eastland](#) of Mississippi, [John Little McClellan](#) of Arkansas and [Sam Ervin](#) of North Carolina along with Republican Senators [Roman Hruska](#) of Nebraska, [Hiram Fong](#) of Hawaii and [Strom Thurmond](#) of South Carolina, all argued that although the present system had potential loopholes, it had worked well throughout the years. Senator Bayh indicated that supporters of the measure were about a dozen votes shy from the 67 needed for the proposal to pass the full Senate. He called upon President Nixon to attempt to persuade undecided Republican Senators to support the proposal.^[23] However, Nixon, while not reneging on his previous endorsement, chose not to make any further personal appeals to back the proposal.^[24]

Open debate on the proposal finally reached the Senate floor on Tuesday, September 8, 1970,^[25] but was quickly faced with a [filibuster](#). The lead objectors to the proposal were mostly Southern Senators and conservatives from small states, both Democrats and Republicans, who argued abolishing the Electoral College would reduce their states' political influence.^[24]

On September 17, 1970, a motion for [cloture](#), which would have ended the filibuster, failed to receive the 67 votes, or two-thirds of those Senators voting, necessary to pass.^[26] The vote was 54 to 36 in favor of the motion.^[24] A second motion for cloture was held on September 29, 1970, this time failing 53 to 34, or five votes short of the required two-thirds. Thereafter, the Senate Majority Leader, [Mike Mansfield](#) of Montana, moved to lay the proposal aside so that the Senate could attend to other business.^[27] However, the proposal was never considered again and died when the 91st Congress officially ended on January 3, 1971.

Modern Electoral College mechanics

The constitutional theory behind the [indirect election](#) of both the President and Vice President of the United States is that while the Congress is popularly elected by the people,^[28] the President and Vice President are elected to be executives of a federation of independent states.

In the [Federalist No. 39](#), [James Madison](#) argued that the Constitution was designed to be a mixture of [state-based](#) and [population-based](#) government. The Congress would have two houses: the state-based Senate and the population-based House of Representatives. Meanwhile, the President would be elected by a mixture of the two modes.^[29]

Additionally, in the [Federalist No. 10](#), James Madison argued against "an interested and overbearing majority" and the "mischiefs of faction" in an electoral system. He defined a faction as "a number of citizens whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community." Republican government (i.e., federalism, as opposed to direct democracy), with its varied distribution of voter rights and powers, would countervail against factions. Madison further postulated in the [Federalist No. 10](#) that the greater the population and expanse of the Republic, the more difficulty factions would face in organizing due to such issues as [sectionalism](#).^[30]

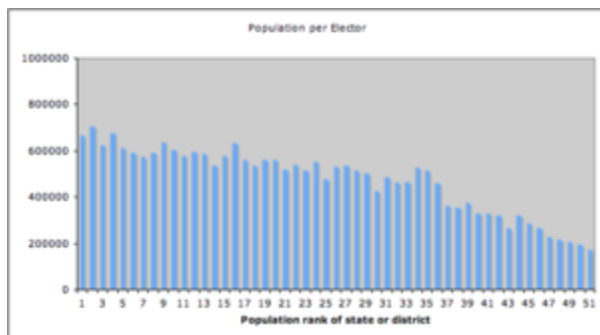
Summary

Presidential electors are selected on a state-by-state basis, as determined by the laws of each state. Generally (with Maine and Nebraska being the exceptions), each state appoints its electors on a [winner-take-all](#) basis, based on the statewide popular vote on [Election Day](#). Although ballots list the names of the presidential candidates, voters within the 50 states and [Washington, D.C.](#) actually choose electors for their state when they vote for President and Vice President. These presidential electors in turn cast electoral votes for those two offices. Even though the aggregate national popular vote is calculated by state officials and media organizations, the national popular vote is not the basis for electing a President or Vice President.

A candidate must receive an [absolute majority](#) of electoral votes (currently 270) to win the Presidency. If no candidate receives a majority in the election for President, or Vice President, that election is determined via a contingency procedure in the [Twelfth Amendment](#), which is explained in detail [below](#).

Apportionment of electors

Further information: [United States congressional apportionment](#)



Population per Elector allocated to each of the 50 states and DC, ranked by population. For instance, 1=California, 2=Texas, 50=DC and 51=Wyoming.

The size of the Electoral College is equal to the total voting membership of both Houses of Congress (435 Representatives and 100 Senators) plus the three electors allocated to [Washington, D.C.](#), totaling 538 electors.

Each state is allocated as many electors as it has Representatives and Senators in the [United States Congress](#).^{[31][32]} Since the most populous states have the most seats in the House of Representatives, they also have the most electors. The six states with the most electors are [California](#) (55), [Texas](#) (34), [New York](#) (31), [Florida](#) (27), [Illinois](#) (21) and [Pennsylvania](#) (21). The seven smallest states by population—[Alaska](#), [Delaware](#), [Montana](#), [North Dakota](#), [South Dakota](#), [Vermont](#), and [Wyoming](#)—have three electors each. The number of Representatives for each state is determined every 10 years by the [United States Census](#), thus determining the number of electoral votes for each state until the next Census-based reallocation.

Under the [Twenty-third Amendment](#), Washington, D.C. is allocated as many electors as it would have if it were a state, but no more electors than the least populous state. The least populous state ([Wyoming](#)) has three electors; thus, D.C. cannot have more than three electors. Even if D.C. were a state, its current population would entitle it to three electors; based on its population per electoral vote, D.C. has the second highest per-capita Electoral College representation, after Wyoming.^[33]

Nomination of electors

Candidates for elector are nominated by their state political parties in the months prior to [Election Day](#). The Constitution delegates to each state the authority for nominating and choosing its electors. In some states, the electors are nominated in primaries, the same way that other candidates are nominated. Other states, such as [Oklahoma](#), [Virginia](#), and [North Carolina](#) nominate electors in party conventions. In [Pennsylvania](#), the campaign committees of each candidate name their candidates for presidential elector (an attempt to discourage [faithless electors](#)).

Disqualification of electors

Under [Article II, Section 1, Clause 2 of the United States Constitution](#), no person holding a federal office, either elected or appointed, may become an elector.^[34] Under [Section 3 of the Fourteenth Amendment](#), any person who has sworn an [oath](#) to support the United States Constitution in order to hold either a state or federal office, and has then later rebelled against the United States, is barred from serving in the Electoral College. However, the Congress may remove this disability by a two-thirds vote in each House.

Election Day

Federal law sets the Tuesday following the first Monday in November as the day for holding federal elections.^[35]

Each state's legislature determines how its electors are to be chosen.^[36] Currently, all states choose electors by popular election on the date specified by federal law. Forty eight states, and Washington, D.C., employ the winner-takes-all method, each awarding its electors as a single bloc.^[citation needed] Two states, [Maine](#) and [Nebraska](#), select one elector within each congressional district by popular vote, and additionally select the remaining two electors by the aggregate,

statewide popular vote.^{[[citation needed](#)]} This method has been used in Maine since 1972 and in Nebraska since 1992.^{[[citation needed](#)]}

The current system of choosing electors is called the "short ballot." In all states, voters choose among slates of candidates for the associated elector; only a few states list the names of the electors on the ballot.^{[[citation needed](#)]} In some states, if a voter wishes to write in a candidate for President, the voter also is required to write-in the names of candidates for elector.

Meetings of electors

Certificate for the electoral vote for [Rutherford B. Hayes](#) and [William A. Wheeler](#) for the State of Louisiana

Electors chosen on Election Day meet in their respective state capitals (or in the case of Washington, D.C., within the District) on the Monday after the second Wednesday in December, at which time they cast their electoral votes on separate ballots for President and Vice President.^{[[37](#)][[38](#)][[39](#)]}

The Electoral College never meets as one body. Although procedures in each state vary slightly, the electors generally follow a similar series of steps, and the Congress has constitutional authority to regulate the procedures the states follow. The meeting is opened by the election certification official—often each state's Secretary of State or equivalent—who reads the Certificate of Ascertainment. This document sets forth who was chosen to cast the electoral votes. Those present answer to their name, and they then fill any vacancies in their number. The next step is the selection of a president or chairman of the meeting, sometimes also with a vice chairman. The electors sometimes choose a secretary, often not himself an elector, to take the minutes of the meeting. In many states, political officials give short speeches at this point in the proceedings.

When the time for balloting arrives, the electors choose one or two people to act as tellers. Some states provide for the placing in nomination of a candidate to receive the electoral votes (the candidate for President of the political party of the electors). Each elector submits a written ballot with the name of a candidate for President. In [New Jersey](#), the electors cast ballots by checking the name of the candidate on a pre-printed card; in [North Carolina](#), the electors write the name of the candidate on a blank card. The tellers count the ballots and announce the result. The next step is the casting of the vote for Vice President, which follows a similar pattern.

After the voting is complete, the electors complete the Certificate of Vote. This document states the number of electoral votes cast for President and Vice President and who received those votes. The state election official usually has pre-printed forms ready and the tellers usually only write down the number of votes cast for appropriate candidates. Five copies of the Certificate of Vote are completed and signed by each elector. Multiple copies of the Certificate of Vote are signed, in order to provide multiple originals in case one is lost. One copy is sent to the President of the U.S. Senate (the sitting Vice President of the United States) by certified mail.

A staff member of the Vice President collects the Certificates of Vote as they arrive and prepares them for the joint session of the Congress. The Certificates are arranged—unopened—in alphabetical order and placed in two special mahogany boxes. [Alabama](#) through [Missouri](#) (including [Washington, D.C.](#)) are placed in one box and [Montana](#) through [Wyoming](#) are placed in the other box.

Faithless electors

Main article: [Faithless elector](#)

A [faithless elector](#) is one who casts an electoral vote for someone other than the person pledged, including one who refuses to vote for any candidate. There are laws to punish faithless electors in 24 states. In 1952, the constitutionality of state *pledge* laws was brought before the [Supreme Court](#) in [Ray v. Blair](#), 343 [U.S. 214](#) (1952). The Court ruled in favor of state laws requiring electors to pledge to vote for the winning candidate, as well as removing electors who refuse to pledge. As stated in the ruling, electors are acting as a functionary of the state, not the federal government. Therefore, states have the right to govern electors. The constitutionality of state laws punishing electors for actually casting a faithless vote, rather than refusing to pledge, has never been decided by the [Supreme Court](#). While many states may only punish a faithless elector after-the-fact, some such as [Michigan](#) specify that his or her vote shall be canceled.^[40]

As electoral slates are typically chosen by the political party or the party's presidential nominee, electors usually have high loyalty to the party and its candidate: a faithless elector runs a greater risk of party censure than criminal charges.

Faithless electors have not changed the outcome of any presidential election to date. For example, in 2000 elector Barbara Lett Simmons of [Washington, D.C.](#) chose not to vote, rather than voting for Al Gore as she had pledged to do. This was done as an act of protest against Washington, D.C.'s lack of congressional voting representation.^[41] That elector's [abstention](#) did not change who won that year's presidential election, as [George W. Bush](#) received a majority (271) of the electoral votes.

Joint session of Congress and the contingent election

The [Twelfth Amendment](#) mandates that the Congress assemble in joint session to count the electoral votes and declare the winners of the election.^[42] The session is ordinarily required to take place on January 6 in the calendar year immediately following the meetings of the presidential electors.^[43] Since the [Twentieth Amendment](#), the newly-elected House declares the winner of the election; all elections before [1936](#) would have been determined by the outgoing House instead.

The meeting is held at 1:00 p.m. in the Chamber of the U.S. House of Representatives.^[43] The sitting Vice President is expected to preside, but in several cases the [President pro tempore of the Senate](#) has chaired the proceedings instead. The Vice President and the [Speaker of the House](#) sit at the podium, with the Vice President in the seat of the Speaker of the House. Senate pages bring in the two mahogany boxes containing each state's certified vote and place them on tables in front of the Senators and Representatives. Each house appoints two tellers to count the vote (normally one member of each political party). Relevant portions of the Certificate of Vote are read for each state, in alphabetical order.

Members of Congress can object to any state's vote count, provided that the objection is presented in writing is signed by at least one member of each house of Congress. An objection supported by at least one Senator and one Representative will be followed by the suspension of the joint session and by separate debates and votes in each House of Congress; after both Houses deliberate on the objection, the joint session is resumed. A State's certificate of vote can be rejected only if both Houses of Congress vote to accept the objection. In that case, the

votes from the State in question are simply ignored, but never in history has Congress voted to reject a State's certificate of vote.

Objections to the electoral vote count are rarely raised, although it did occur during the vote count in 2001 after the close 2000 presidential election between Governor George W. Bush of Texas and the Vice President of the United States, Al Gore. Vice President Gore, who as Vice President was required to preside over his own Electoral College defeat (by five electoral votes), denied the objections, all of which were raised only by several House members and would have favored his candidacy, after no Senators would agree to jointly object. Objections were again raised in the vote count of the 2004 elections, and on that occasion the document was presented by one representative and one senator. Although the joint session was suspended, the objections were quickly disposed of and rejected by both Houses of Congress. If there are no objections or all objections are overruled, the presiding officer simply includes a State's votes, as declared in the certificate of vote, in the official tally.

After the certificates from all States are read and the respective votes are counted, the presiding officer simply announces the final result of the vote and, provided that the required absolute majority of votes was achieved, declares the names of the persons elected President and Vice President. This announcement concludes the joint session, and formalizes the recognition of the President elect and of the Vice-President elect. The Senators then depart from the House Chamber. The final tally is printed in the journals of both Houses.

Contingent presidential election by House

Pursuant to the [Twelfth Amendment](#), the [House of Representatives](#) is required to go into session immediately to vote for President if no candidate for President receives a majority of the electoral votes (since 1964, 270 of the 538 electoral votes).

In this event, the House of Representatives is limited to choosing from among the three candidates who received the most electoral votes. Each state delegation votes *en bloc* - its members have a single vote collectively (and the District of Columbia does not receive a vote). A candidate must receive an absolute majority of state delegation votes (currently 26) in order for that candidate to become the *President-elect*. Additionally, delegations from at least two-thirds of all the states must be present for voting to take place. The House continues balloting until it elects a President.

The House of Representatives has chosen the President only twice: once under Article II, Section 1, Clause 3 (in [1801](#)) and once under the Twelfth Amendment (in [1825](#)).

Contingent vice presidential election by Senate

If no candidate for Vice President receives an absolute majority of electoral votes, then the [Senate](#) must go into session to elect a Vice President. The Senate is limited to choosing from only the top two candidates to have received electoral votes (one fewer than the number to which the House is limited). The Senate votes in the normal manner in this case (i.e., ballots are individually cast by each Senator, not by state delegations). However, two-thirds of the Senators must be present for voting to take place.

Additionally, the Twelfth Amendment states that a "majority of the whole number" of Senators (currently 51 of 100) is necessary for election.^[44] Further, the language requiring an absolute

majority of Senate votes precludes the sitting Vice President from breaking any tie which might occur,^[45] although this is disputed by some legal scholars.^[46]

The only time the Senate chose the Vice President was in [1837](#). In that instance, the Senate adopted an alphabetical [roll call](#) and voting aloud. The rules further stated, "[I]f a majority of the number of Senators shall vote for either the said Richard M. Johnson or Francis Granger, he shall be declared by the presiding officer of the Senate constitutionally elected Vice President of the United States..." (Johnson won).^[47]

Deadlocked chambers

If the House of Representatives has not chosen a *President-elect* in time for the inauguration (noon on January 20), then Section 3 of the [Twentieth Amendment](#) specifies that the *Vice President-elect* becomes [Acting President](#) until the House should select a President. If the winner of the vice presidential election is also not known by then, then under the [Presidential Succession Act of 1947](#), the sitting [Speaker of the House](#) would become Acting President until either the House should select a President or the Senate should select a Vice President. None of these situations has ever occurred.

Current electoral vote distribution

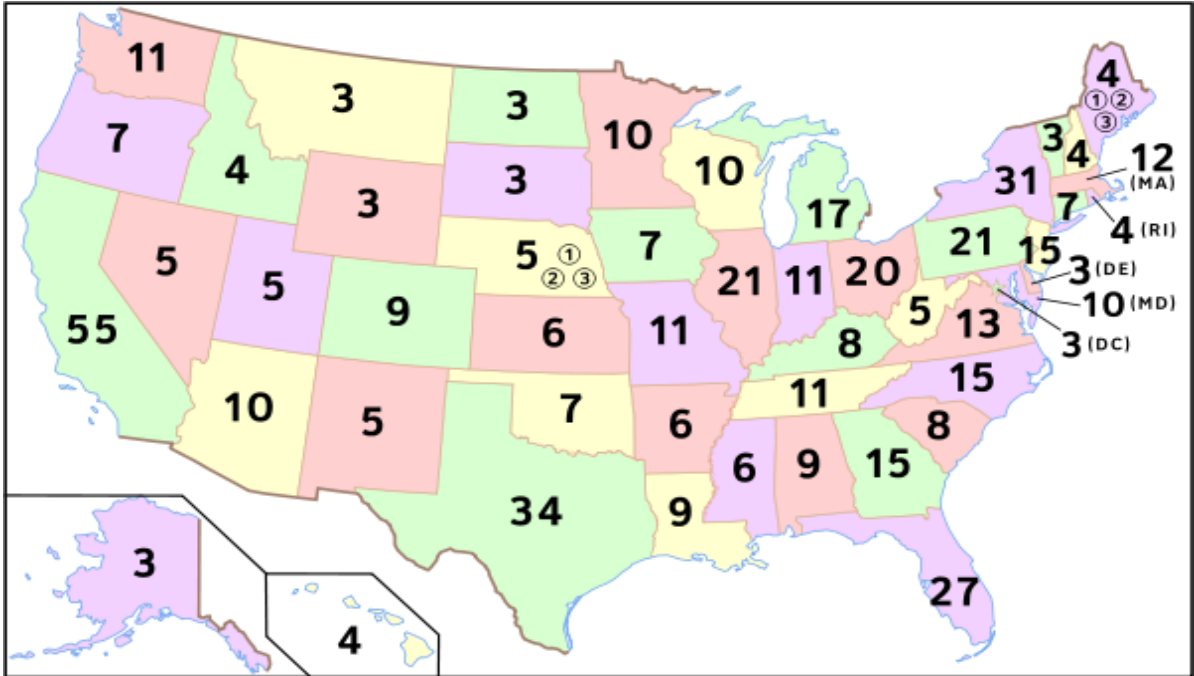
See also: [Electoral vote changes between United States presidential elections](#)

The following table shows the number of electoral votes (EV) to which each state and the District of Columbia will be entitled during the 2012, 2016 and 2020 presidential elections:^[48] The numbers in parentheses (+) or (-) represent if a state gained or lost electors in comparison to the 2004 & 2008 elections based on the 2010 Census.^[49]

State	EV	State	EV	State	EV	State	EV
Alabama	9	Indiana	11	Nebraska	5**	South Carolina	9 (+1)
Alaska	3	Iowa	6 (-1)	Nevada	6 (+1)	South Dakota	3
Arizona	11 (+1)	Kansas	6	New Hampshire	4	Tennessee	11
Arkansas	6	Kentucky	8	New Jersey	14 (-1)	Texas	38 (+4)
California	55	Louisiana	8 (-1)	New Mexico	5	Utah	6 (+1)
Colorado	9	Maine	4**	New York	29 (-2)	Vermont	3
Connecticut	7	Maryland	10	North Carolina	15	Virginia	13
Delaware	3	Massachusetts	11 (-1)	North Dakota	3	Washington	12 (+1)
Florida	29 (+2)	Michigan	16 (-1)	Ohio	18 (-2)	West Virginia	5
Georgia	16 (+1)	Minnesota	10	Oklahoma	7	Wisconsin	10
Hawaii	4	Mississippi	6	Oregon	7	Wyoming	3
Idaho	4	Missouri	10 (-1)	Pennsylvania	20 (-1)	Washington, D.C. *	3
Illinois	20 (-1)	Montana	3	Rhode Island	4	Total electors	538

* *Washington, D.C., although not a state, is granted three electoral votes by the [Twenty-third Amendment](#).*

** *Maine and Nebraska electors distributed by way of the [Congressional District Method](#). (+) or (-) Represents number of electors gained or lost in comparison to 2004 & 2008 electoral college map)*



Number of electors from each state for the 2004 and 2008 Presidential Elections. 12 electors changed between 18 states, based on the 2010 census. Eight states lost one elector and two (New York & Ohio) lost two electors each. Eight states gained electors ... six gained one elector, Florida gained two & Texas gained four.

Alternative methods of choosing electors

Methods of Presidential Elector selection, by state, 1789-1832^[50]

Year	AL	CT	DE	GA	IL	IN	KY	LA	ME	MD	MA	MS	MO	NH	NJ	NY	NC	OH	PA	RI	SC	TN	VT	VA
1789	-	L	D	L	-	-	-	-	-	A	H	-	-	H	L	-	-	-	A	-	L	-	-	D
1792	-	L	L	L	-	-	D	-	-	A	H	-	-	H	L	L	L	-	A	L	L	-	L	D
1796	-	L	L	A	-	-	D	-	-	D	H	-	-	H	L	L	D	-	A	L	L	H	L	D
1800	-	L	L	L	-	-	D	-	-	D	L	-	-	L	L	L	D	-	L	A	L	H	L	A
1804	-	L	L	L	-	-	D	-	-	D	D	-	-	A	A	L	D	A	A	A	L	D	L	A
1808	-	L	L	L	-	-	D	-	-	D	L	-	-	A	A	L	D	A	A	A	L	D	L	A
1812	-	L	L	L	-	-	D	L	-	D	D	-	-	A	L	L	L	A	A	A	L	D	L	A
1816	-	L	L	L	-	L	D	L	-	D	L	-	-	A	A	L	A	A	A	A	L	D	L	A
1820	L	A	L	L	D	L	D	L	D	D	D	A	L	A	A	L	A	A	A	A	L	D	L	A
1824	A	A	L	L	D	A	D	L	D	D	A	A	D	A	A	L	A	A	A	A	L	D	L	A
1828	A	A	L	A	A	A	A	A	D	D	A	A	A	A	A	D	A	A	A	A	L	D	A	A
1832	A	A	A	A	A	A	A	A	A	D	A	A	A	A	A	A	A	A	A	A	L	A	A	A

Year AL CT DE GA IL IN KY LA ME MD MA MS MO NH NJ NY NC OH PA RI SC TN VT VA

Key **A** Popular vote, **A**t-large **D** Popular vote, **D**istricting **L** Legislative selection **H** Hybrid system

Before the advent of the short ballot in the early 20th century, as described above, the most common means of electing the presidential electors was through the *general ticket*. The general ticket is quite similar to the current system and is often confused with it. In the general ticket, voters cast ballots for individuals running for presidential elector (while in the short ballot, voters cast ballots for an entire slate of electors). In the general ticket, the state canvass would report the number of votes cast for each candidate for elector, a complicated process in states like New York with multiple positions to fill. Both the general ticket and the short ballot are often considered at-large or winner-takes-all voting. The short ballot was adopted by the various states at different times; it was adopted for use by [North Carolina](#) and [Ohio](#) in 1932. [Alabama](#) was still using the general ticket as late as 1960 and was one of the last states to switch to the short ballot.

The question of the extent to which state constitutions may constrain the legislature's choice of a method of choosing electors has been touched on in two U.S. Supreme Court cases. In *McPherson v. Blacker*, 146 [U.S. 1](#) (1892), the Court cited Article II, Section 1, Clause 2 which states that a state's electors are selected "in such manner as the legislature thereof may direct" and wrote that these words "operat[e] as a limitation upon the state in respect of any attempt to circumscribe the legislative power." In *Bush v. Palm Beach County Canvassing Board*, 531 [U.S. 70](#) (2000), a Florida Supreme Court decision was vacated (not reversed) based on *McPherson*. On the other hand, three dissenting justices in *Bush v. Gore*, 531 [U.S. 98](#) (2000), wrote: "nothing in Article II of the Federal Constitution frees the state legislature from the constraints in the State Constitution that created it."^[51]

Appointment by state legislature

An early method of choosing electors was selection by the state legislature. A majority of the states legislatively selected presidential electors in both 1792 and 1800, and half of the states did so in 1812.^[52] One reason most U.S. history textbooks don't start reporting the national aggregate popular vote until the election of 1824 is because more than a quarter of all the states used legislative choice in all prior elections; there simply was no popular vote for President in those states. Even in 1824, when [Andrew Jackson](#) lost in spite of having pluralities of both the popular and electoral votes, a full quarter of the states (6 of 24) did not hold popular elections for President and Vice President;^[53] instead, those six state legislatures choose the electors that year. By 1828, only [Delaware](#) and [South Carolina](#) continued to use legislative choice.^[53] Delaware ended its practice the following election (1832), while South Carolina held on to legislative choice until it became the first state to secede in December 1860.^[53]

Legislative appointment made four more appearances on the electoral stage:

- In 1848, [Massachusetts](#) statute awarded the state's electoral votes to the winner of the at-large popular vote, but only if that candidate won an absolute majority. When the vote produced no winner between the [Democratic](#), [Free Soil](#), and [Whig](#) parties, the state legislature selected the electors, giving all 12 electoral votes to the Whigs.^[54]
- In 1864, [Nevada](#), having joined the Union only a few days prior to Election Day, had no choice but to appoint.^[54]
- In 1868, the newly reconstructed state of [Florida](#) appointed its electors, having been readmitted too late to hold elections.^[54]

- Finally, in 1876, the legislature of the newly admitted state of [Colorado](#) used legislative choice due to a lack of time and money to hold an election.^[54]

Legislative appointment was bandied as a possibility in the [2000 election](#). Had the recount continued, the Florida legislature was prepared to appoint the Republican slate of electors to avoid missing the federal deadline for choosing electors.^[55]

The Constitution gives each state legislature the power to decide how its state's electors are chosen^[53] and it can be easier and cheaper for a state legislature to simply appoint a slate of electors than to create a legislative framework for holding elections to determine the electors. As noted above, the two situations in which legislative choice has been used since the Civil War have both been because there was not enough time or money to prepare for an election. However, appointment by state legislature can have negative consequences: [bicameral](#) legislatures can deadlock more easily than the electorate. This is precisely what happened to New York in 1789 when the legislature failed to appoint any electors.^[56]

Electoral districts

Another method used early in U.S. history was to divide the state into electoral districts. By this method, voters in each district would cast their ballots for the candidate they supported and the winner in each district would receive that electoral vote. This was similar to how states are currently separated by congressional districts. However, the difference stems from the fact that every state always had two more electoral districts than congressional districts; as such, the electoral districts could not mirror the layout of the state's congressional districts. As with congressional districts, moreover, this method is vulnerable to [gerrymandering](#).

All states had discarded this method of elector selection after 1832. However, this method reappeared in [Michigan](#) for the 1892 election.^[54] Before the election, the Democratic Party had gained control of Michigan's state legislature and changed the method used from at-large popular voting to electoral district voting in order to capture at least a portion of the state's electoral votes (at the time, Michigan tended to vote Republican).^[54] The plan worked, and Michigan split its vote: nine votes for Republican [Benjamin Harrison](#) and five votes for Democrat [Grover Cleveland](#). Once the Republican party regained control of the state legislature, the method of elector selection was switched back to at-large popular voting.^[54]

Congressional District Method

The **Congressional District Method** (a.k.a., Maine-Nebraska Method) is an alternative way of distributing electoral votes within a state. In a winner-takes-all system, the winner of the statewide popular vote receives all of that state's electoral votes. Under the Congressional District Method, the electoral votes are distributed based on the popular vote winner within each of the state's congressional districts; the statewide popular vote winner receives two additional electoral votes.^[57]

The number of electoral votes allocated to each state is equal to the size of the state's Congressional delegation.^[58] The two statewide-winner electoral votes are held to be equivalent to the two votes each state receives in the U.S. Senate. The district-wide-

winner electoral votes are equivalent to that district's vote in the House of Representatives.

Currently, only [Maine](#) and [Nebraska](#) use the Congressional District Method for distributing their electoral votes. Maine has four electoral votes based on its two Representatives and two Senators. Nebraska has two Senators and three Representatives, giving it five electoral votes.^[59] Maine began using the Congressional District Method in the [election of 1972](#). Nebraska has used the Congressional District Method since the [election of 1992](#).^{[60][61]} A recent call has been made by Nebraska Republicans to discard the Congressional District Method and return to the winner-takes-all system.^[62] Such previous calls for reform failed in the late 1990s.^[62] In January 2010 a bill was introduced in the Nebraska legislature to revert to a winner-take-all system.^[63]

The Congressional District Method allows for the chance for states to split their electoral vote between multiple candidates. Before 2008, neither Maine nor Nebraska had ever split their electoral votes.^[57] Nebraska split its electoral votes for the first time in 2008, giving John McCain its statewide electors and those of two congressional districts, while Barack Obama won the electoral vote of [Nebraska's 2nd congressional district](#).^[64]

The Congressional District Method more closely reflects the [one man, one vote](#) principle than the current winner-takes-all system because an individual's vote has a larger weight to it.^[65] In addition, the Congressional District Method can be more easily implemented than other alternatives to the winner-takes-all method. State legislation is sufficient to use this method. A constitutional amendment's adoption is not needed, unlike some other Electoral College reform options.^[65] However, the Congressional District Method has its downsides. For instance, candidates might only spend time in certain battleground districts instead of the entire state and cases of [gerrymandering](#) could become exacerbated as political parties attempt to draw as many safe districts as they can.^[66]

Proportional vote

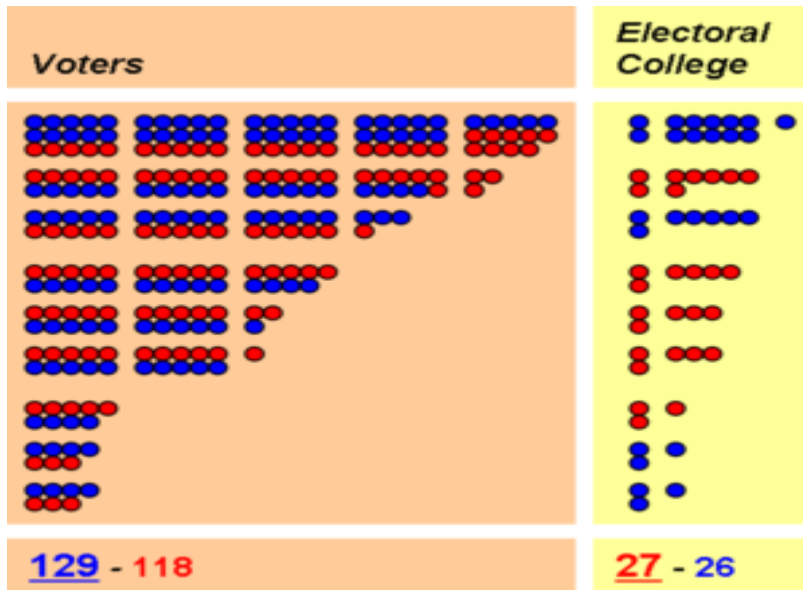
Under such a system, electors would be selected in proportion to the votes cast for their candidate or party, rather than being selected by the statewide plurality vote.^[67]

Contemporary conflict over the Electoral College

Arguments between proponents and opponents of the current electoral system include four separate but related topics: indirect election, disproportionate voting power by some states, the winner-takes-all distribution method (as chosen by 48 of the 50 states), and federalism. Arguments against the Electoral College in common discussion mostly focus on the allocation of the voting power among the states. Gary Bugh's research of congressional debates over proposed Electoral College amendments reveals that reform opponents have often appealed to a traditional version of representation, whereas reform advocates have tended to reference a more democratic view.^[68]

Criticism of the Electoral College

Irrelevancy of national popular vote



This graphic demonstrates how the winner of the popular vote can still lose in a hypothetical electoral college system.

The elections of [1876](#), [1888](#) and [2000](#) produced an Electoral College winner who did not receive the [plurality](#) of the nationwide popular vote. In [1824](#), there were six states in which electors were legislatively appointed rather than popularly elected, so the true national popular vote is uncertain. When no candidate received a majority of electoral votes in 1824, the election was decided by the [House of Representatives](#) and thus could be considered distinct from the latter three elections in which all of the states had popular selection of electors.^[69]

Opponents of the Electoral College claim that such outcomes do not logically follow the normative concept of how a democratic system should function. Outcomes of this sort are attributable to the federal nature of the system. From such a configuration, argue supporters of the Electoral College, candidates must build a popular base that is geographically broader and more diverse in voter interests. This feature is not a logical consequence of having intermediate elections of Presidents but rather the [winner-takes-all](#) method of allocating each state's slate of electors. Allocation of electors in proportion to the state's popular vote could reduce this effect.

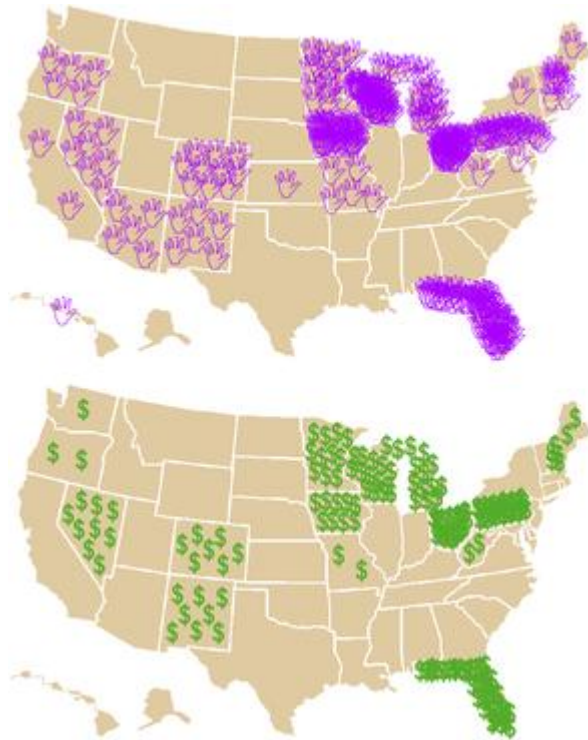
Scenarios exhibiting this outcome typically result when the winning candidate has won the requisite configuration of states (and thus their votes) by small margins, but the losing candidate captured large voter margins in the remaining states. Given the allocation of electors in 2000, it is possible a candidate could win with only a small margin of support in the 11 largest states. In such an example, the very large margins secured by the losing candidate in the other states would aggregate to well over 50 percent of the ballots cast nationally. Claims that the Electoral College suppresses the "popular will" are therefore open to debate.

A result of the present functionality of the Electoral College is that the national popular vote bears no legal or factual significance on determining the outcome of the election. Since the national popular vote is irrelevant, both voters and candidates are assumed to

base their campaign strategies around the existence of the Electoral College; any close race has candidates campaigning to maximize electoral votes by capturing coveted swing states, not to maximize national popular vote totals.

Focus on large swing states

Main article: [Swing state](#)



These maps show the amount of attention given to each state by the [Bush](#) and [Kerry](#) campaigns during the final five weeks of the [2004 election](#). At the top, each waving hand represents a visit from a presidential or vice-presidential candidate during the final five weeks. At the bottom, each dollar sign represents one million dollars spent on TV advertising by the campaigns during the same time period.

Most states use a winner-take-all system, in which the candidate with the most votes in that state receives all of the state's electoral votes. This gives candidates an incentive to pay the most attention to states without a clear favorite, such as [Pennsylvania](#), [Ohio](#), and [Florida](#). For example, [California](#), [Texas](#), and [New York](#), in spite of having the largest populations, have in recent elections been considered safe for a particular party ([Democratic](#) for [California](#) and [New York](#); [Republican](#) for [Texas](#)), and therefore candidates typically devote relatively few resources, in both time and money, to such states.

It is possible to win the election by winning eleven states and disregarding the rest of the country. If one ticket were to take California (55 votes), Texas (38), New York (29), Florida (29), Illinois (20), Pennsylvania (20), Ohio (18), Michigan (16), Georgia (16), North Carolina (15), and New Jersey (14) that ticket would have 270 votes, which would be enough to win. In the close elections of 2000 and 2004, these eleven states gave 111

votes to Republican candidate George W. Bush and 160 votes to Democratic candidates Al Gore and John Kerry. In 2008, the Democratic candidate Barack Obama won nine of these eleven states (for 222 electoral votes), with Republican [John McCain](#) taking a combined 49 electoral votes from Texas and Georgia.

Proponents of the Electoral College claim that adoption of the popular vote would simply shift the disproportionate focus to large cities at the expense of rural areas.^[70] Candidates might also be inclined to campaign hardest in their base areas to maximize turnout among core supporters, and ignore more closely divided parts of the country. Whether such developments would be good or bad is a matter of normative political theory and political interests of the voters in question.

Discourages turnout and participation

Except in closely fought swing states, voter turnout is largely insignificant due to entrenched political party domination in most states. The Electoral College decreases the advantage a political party or campaign might gain for encouraging voters to turn out, except in those swing states.^[71] If the presidential election were decided by a national popular vote, in contrast, campaigns and parties would have a strong incentive to work to increase turnout everywhere.^[72] Individuals would similarly have a stronger incentive to persuade their friends and neighbors to turn out to vote. The differences in turnout between swing states and non-swing states under the current electoral college system suggest that replacing the Electoral College with direct election by popular vote would likely increase turnout and participation significantly.^[71]

Allows states to disenfranchise citizens without penalty

If a state makes it harder for its citizens to vote, whether by making voting more difficult, or by legally [disfranchising](#) some citizens (such as [those convicted of felonies](#) and minors) from voting, and turnout in the state is reduced as a result, the Electoral College insulates the state from being penalized. In fact, legal scholars [Akhil Amar](#) and [Vikram Amar](#) point out that the original compromise of the Electoral College was largely due to this very fact. Direct national election of the President (which was proposed by a delegate from [Pennsylvania](#)) would have enabled the North to outvote the South, because "the South would get no credit for its half-million slaves, none of whom, of course, would be able to vote. The electoral college system that ultimately emerged gave the South partial—[three-fifths](#)—credit for its slaves."^[73] The states were thus allowed to disenfranchise large numbers of citizens while maintaining the same influence in the Electoral College. Akhil and Vikram Amar note,

"The founders' system also encouraged the continued disfranchisement of women. In a direct national election system, any state that gave women the vote would automatically have doubled its national clout. Under the Electoral College, however, a state had no such incentive to increase the franchise; as with slaves, what mattered was how many women lived in a state, not how many were empowered."^[73]

The Electoral College continues to insulate states from losing any influence when they disenfranchise or suppress the votes of their citizens, whether through [voter suppression](#), through making it more difficult or expensive to vote, or through actually taking away

some citizens' votes by law. "Even today, a state with low voter turnout gets precisely the same number of electoral votes as if it had a high turnout. By contrast, a well-designed direct election system could spur states to get out the vote."^[73]

Favors less populous states

"Every idea of proportion and every rule of fair representation conspire to condemn a principle, which gives to Rhode Island an equal weight in the scale of power with Massachusetts, or Connecticut, or New York; and to Delaware an equal voice in the national deliberations with Pennsylvania, or Virginia, or North Carolina. Its operation contradicts the fundamental maxim of republican government, which requires that the sense of the majority should prevail. Sophistry may reply, that sovereigns are equal, and that a majority of the votes of the States will be a majority of confederated America. But this kind of logical legerdemain will never counteract the plain suggestions of justice and common-sense. It may happen that this majority of States is a small minority of the people of America; and two thirds of the people of America could not long be persuaded, upon the credit of artificial distinctions and syllogistic subtleties, to submit their interests to the management and disposal of one third."

[Alexander Hamilton](#), *Federalist No. 22*.

As a consequence of giving more *per capita* voting power to the less populated states, the Electoral College gives disproportionate power to those states' interests. Democrats often assert that the Electoral College system favors the Republican Party by disproportionately boosting the electoral weight of the less populous states, which have tended historically to vote Republican. In fact, on all three occasions that the electoral vote winner and popular vote winner has been different, the Republican party won the election. While this argument does apply to the 2000 election, it is debatable whether it helps to explain the 1876 and 1888 results, since in these cases the small states were more evenly divided.

In one countervailing analysis, the [Banzhaf power index](#) (BPI) model based on [probability theory](#) was used to test the hypothesis that citizens of small states accrue more election power. It was found that in 1990, individual voters in California, the largest state, had 3.3 times more individual power to choose a President than voters of Montana, the largest of the minimum 3 elector states.^[74] Banzhaf's method has been criticized for treating votes like coin-flips, and more empirically-based models of voting yield results which seem to favor larger states less.^[75]

Disadvantage for third parties

See also: [Duverger's law](#)

In practice, the winner-take-all manner of allocating a state's electors generally decreases the importance of minor parties.^[76]

Arguments supporting the Electoral College

Prevents an urban-centric victory

Proponents of the Electoral College claim the Electoral College prevents a candidate from winning the Presidency by simply winning in heavily populated [urban areas](#). This means that candidates must make a much wider appeal than they would if they simply had to win the national popular vote.^[77]

Maintains the federal character of the nation

"A common government, with powers equal to its objects, is called for by the voice, and still more loudly by the political situation, of America. A government founded on principles more consonant to the wishes of the larger States, is not likely to be obtained from the smaller States. The only option, then, for the former, lies between the proposed government and a government still more objectionable. Under this alternative, the advice of prudence must be to embrace the lesser evil; and, instead of indulging a fruitless anticipation of the possible mischiefs which may ensue, to contemplate rather the advantageous consequences which may qualify the sacrifice."

[James Madison](#), [Federalist No. 62](#).

The United States of America is a federal coalition which consists of component states. Proponents of the current system argue that the collective opinion of even a small state merits attention at the federal level greater than that given to a small, though numerically-equivalent, portion of a very populous state. The system also allows each state the freedom, within constitutional bounds, to design its own laws on voting and enfranchisement without an undue incentive to maximize the number of votes cast.

For many years early in the nation's history, up until the [Jacksonian Era](#), many states appointed their electors by a vote of the [state legislature](#), and proponents argue that, in the end, the election of the President must still come down to the decisions of each state, or the federal nature of the United States will give way to a single massive, centralized government.^[78]

In his book [A More Perfect Constitution](#), Professor [Larry Sabato](#) elaborated on this advantage of the Electoral College, arguing to "mend it, don't end it," in part because of its usefulness in forcing candidates to pay attention to lightly populated states and reinforcing the role of the state in federalism.^[79]

Enhances status of minority groups

Far from decreasing the power of [minority groups](#) by depressing voter turnout, proponents argue that, by making the votes of a given state an all-or-nothing affair, minority groups can provide the critical edge that allows a candidate to win. This encourages candidates to court a wide variety of such minorities and [advocacy groups](#).^[78]

Encourages stability through the two-party system

Many proponents of the Electoral College see its negative effect on [third parties](#) as a good thing. They argue that the two party system has provided stability through its ability to change during times of rapid political and cultural change. They believe it protects the most powerful office in the country from control by what these proponents view as

regional minorities until they can moderate their views to win broad, long-term support from across the entire nation.

Death or legally defined disability of a presidential candidate

The Constitution grants each state the right to appoint electors in a manner chosen by that state. While it is common to think of the electoral votes impersonally, as mere numbers, the Electoral College is in fact made up of real people (usually party regulars of the party whose candidate wins each state) with the capacity to adapt to unusual situations. That capacity might be particularly important if, for example, a candidate were to die or become in some other way legally disabled or disqualified to serve as President or Vice President. Advocates of the current system argue that these electors could then choose a suitable replacement (who would most likely come from the same party of the candidate who won the election) more competently than could the general voting public. Furthermore, the time period during which such a death or the onset of such a legal disability or disqualification might call for such an adaptation extends, under the Electoral College system, from before Election Day (many states cannot change ballots at a late stage) until the day the electors vote (the first Monday after the second Wednesday of December).

In the [election of 1872](#), [Democratic](#) candidate [Horace Greeley](#) did in fact die before the meeting of the Electoral College, resulting in Democratic disarray; the electors who were to have voted for Greeley split their votes across several candidates, including three votes cast for the deceased Greeley. However, President [Ulysses S. Grant](#), the [Republican incumbent](#), had already won an absolute majority of electors. Because it was the death of a losing candidate, there was no pressure to agree on a replacement candidate. There has never been a case of a candidate of the winning party dying.

In the [election of 1912](#), [Vice President Sherman](#) died shortly before the election, too late for any state to remove his name for its ballot, thus causing Sherman to be listed posthumously. The 8 electoral votes that Sherman would have received were cast for [Nicholas Murray Butler](#).

Isolation of election problems

Some supporters of the Electoral College note that it isolates the impact of any election fraud, or other such problems, to the state where it occurs. It prevents instances where a party dominant in one state may dishonestly inflate the votes for a candidate and thereby affect the election outcome. For instance, recounts occur only on a state-by-state basis, not nationwide.^[80]

State election systems

The Electoral College allows for each state to conduct elections using whatever methods it chooses (i.e. [voting system](#), [vote-recording technology](#)) without affecting other states. A national popular vote, by definition, requires all states to use plurality voting and would likely lead to national election rules and standards.

Neutralizes turnout disparities between states

There are factors that affect the turnout around the country. Weather can vary greatly across a large nation, rain or winter storms can impact voter participation in affected states. In addition, when a state has another high profile contest, such as a hotly contested Senate or gubernatorial race, turnout in that state can be affected. Because the allocation of electoral votes is independent of each state's turnout, the Electoral College neutralizes the effect of all such turnout disparities between states.

Maintains separation of powers

The Constitution separated government into three branches that check each other to minimize threats to liberty and encourage deliberation of governmental acts. Under the original framework, only members of the House of Representatives were directly elected by the people, with members of the Senate chosen by state legislatures, the President by the Electoral College, and the judiciary by the President and the Senate.

National Popular Vote Interstate Compact

Main article: [National Popular Vote Interstate Compact](#)

This proposal calls for an [interstate compact](#) whereby individual states agree to allocate their electors to the winner of the national popular vote. The state legislatures of the joining states would then establish a [direct election](#), thereby effectively circumventing the Electoral College, when they collectively have a majority (at least 270) of the electoral votes. The proposal is still 138 electoral votes short of going into effect.

The proposal centers on [Article II, Section 1, Clause 2](#) of the Constitution, which gives each state legislature the authority to determine how its state's electors are to be chosen. Many partial versions of this plan have emerged over the years.

While each state has [plenary power](#) to determine how it chooses its electors, it is unclear whether [Article I, Section 10, Clause 3](#) of the Constitution requires the [Congress'](#) consent before this compact can take effect.

Eight states and the District of Columbia have joined the compact. The first was [Maryland](#), when Governor [Martin O'Malley](#) signed the bill into law on April 10, 2007.^[81] New Jersey joined on January 13, 2008, despite objections from Republicans who criticized the bill as undermining federal elections.^[82] Illinois passed the law on April 7, 2008.^[83] [Hawaii](#) joined on May 1, when the legislature overrode a veto from Governor [Linda Lingle](#).^[84] On April 28, 2009, the [State of Washington](#) joined, when Governor [Christine Gregoire](#) signed HB 1598.^[85] [Massachusetts](#) joined the compact on August 4, 2010, when Governor [Deval Patrick](#) signed that state's bill into law.^[86] Additionally, the [District of Columbia](#), which has three electoral votes, joined the compact on December 7, 2010.^[87] [Vermont](#) joined the compact on April 22, 2011, when Governor [Peter Shumlin](#) signed that state's bill into law.^[88] On August 8, 2011 California joined when Governor [Jerry Brown](#) signed a bill adding California to the compact.^[89]

See also

- [Electoral college](#)
- [Electoral vote changes between United States presidential elections](#)

- [Every Vote Counts Amendment](#)
- [FiveThirtyEight](#)
- [List of U.S. states by population](#)
- [List of United States presidential electors, 2008](#)
- [National Popular Vote Interstate Compact](#)
- [United States presidential election](#)
- [United States presidential election maps](#)

Notes

1. [^] The number of electors is equal to the total voting membership of the [United States Congress](#) (composed of 435 Representatives and 100 Senators) plus three electors from the District of Columbia. See [Article II, Section 1, Clause 2](#) of the Constitution and the [Twenty-third Amendment](#)
2. [^] Electors are not required by federal law to honor a pledge; however, in the overwhelming majority of cases they do vote for the candidate to whom they are pledged. Many states have laws designed to ensure that electors vote for pledged candidates, though the constitutionality of these laws has never been positively established. See [The Green Papers](#)
3. [^] This process has been normalized to the point that the names of the electors appear on the ballot only in a handful of states. See [The Green Papers](#)
4. [^] ["Americans Support Proposal to Eliminate Electoral College System"](#). [Gallup](#). November 2, 2004. <http://www.gallup.com/poll/13918/Public-Flunks-Electoral-College-System.aspx>. Retrieved 2010-10-14.
5. [^] ["Americans Support Proposal to Eliminate Electoral College System"](#). [Gallup](#). January 5, 2001. <http://www.gallup.com/poll/2140/Americans-Support-Proposal-Eliminate-Electoral-College-System.aspx>. Retrieved 2010-10-14.
6. [^] ["Debates in the Federal Convention of 1787: May 29"](#). Avalon Project. http://avalon.law.yale.edu/18th_century/debates_529.asp. Retrieved 2011-04-13.
7. [^] ["Debates in the Federal Convention of 1787: June 2"](#). Avalon Project. http://avalon.law.yale.edu/18th_century/debates_602.asp. Retrieved 2011-04-13.
8. [^] ["Debates in the Federal Convention of 1787: September 4"](#). Avalon Project. http://avalon.law.yale.edu/18th_century/debates_904.asp. Retrieved 2011-04-13.
9. [^] [Records of the Federal Convention, p. 57](#) Farrand's Records, Volume 2, A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774 - 1875, Library of Congress
10. [^] ["Debates in the Federal Convention of 1787: September 6"](#). Avalon Project. http://avalon.law.yale.edu/18th_century/debates_906.asp. Retrieved 2011-04-13.
11. [^] [Concerns With The Electoral College](#)
12. [^] [archives.gov](#)
13. [^] Chang, Stanley (2007). "Updating the Electoral College: The National Popular Vote Legislation". *Harvard Journal on Legislation* (Cambridge, MA: President and Fellows of Harvard College) **44** (205, at 208).
14. [^] Berg-Andersson, Richard E. (September 17, 2000). ["What Are They All Doing, Anyway?: An Historical Analysis of the Electoral College"](#). *The Green Papers*. <http://www.thegreenpapers.com/Hx/ElectoralCollege.html>.
15. [^] For a more detailed account of this proposal read *The Politics of Electoral College Reform* by Lawrence D. Longley and Alan G. Braun (1972)
16. [^] [1968 Electoral College Results](#), National Archives and Records Administration
17. [^] "Text of Proposed Amendment on Voting", *The New York Times*, April 30, 1969, page 21

18. [^](#) "House Unit Votes To Drop Electors" The New York Times, April 30, 1969, page 1
19. [^](#) "Direct Election of President Is Gaining in the House", The New York Times, September 12, 1969, page 12
20. [^](#) "House Approves Direct Election of The President," The New York Times, September 19, 1969, page 1
21. [^](#) "Nixon Comes Out For Direct Vote On Presidency," The New York Times, October 1, 1969, page 1
22. [^](#) "A Survey Finds 30 Legislatures Favor Direct Vote For President," The New York Times, October 8, 1969, page 1
23. [^](#) "Bayh Calls for Nixon's Support As Senate Gets Electoral Plan", The New York Times, August 15, 1970, page 11
24. [^](#) [a](#) [b](#) [c](#) "Senate Refuses To Halt Debate On Direct Voting," The New York Times, September 18, 1970, page 1
25. [^](#) "Senate Debating Direct Election", The New York Times, September 9, 1970, page 10
26. [^](#) The Senate reduced the required vote from two-thirds to three-fifths (i.e., 60 vote). See [United States Senate website](#).
27. [^](#) "Senate Puts Off Direct Vote Plan," The New York Times, September 30, 1970, page 1
28. [^](#) Prior to the adoption of the [Seventeenth Amendment](#), this only meant the House of Representatives.
29. [^](#) "[The Federalist 39](#)". Avalon Project.
http://avalon.law.yale.edu/18th_century/fed39.asp. Retrieved 2011-04-13.
30. [^](#) *The Federalist Papers: Alexander Hamilton, James Madison, John Jay* The New American Library, 1961
31. [^](#) The present allotment of electors by state is shown in the *Electoral vote distribution* section.
32. [^](#) The number of electors allocated to each state is based on [Article II, Section 1, Clause 2](#) of the Constitution.
33. [^](#) "[2006 Census estimates](#)". Census.gov. 2009-01-07.
<http://www.census.gov/popest/states/NST-ann-est.html>. Retrieved 2010-08-26.
34. [^](#) Sabrina Eaton (October 29, 2004). "[Brown learns he can't serve as Kerry elector, steps down](#)" (PDF). Cleveland Plain Dealer (reprint at Edison Research).
<http://www.edisonresearch.com/home/archives/ClevelandPlainDealer10-29-2004.pdf>. Retrieved 2008-01-03.
35. [^](#) [3 U.S.C. § 1](#) A uniform national date for presidential elections was not set until 1845, although Congress always had constitutional authority to do so. — Kimberling, William C. (1992) [The Electoral College, p. 7](#)
36. [^](#) United States Constitution, Article II, Section 1.: "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."
37. [^](#) "[Twelfth Amendment](#)". Caselaw.lp.findlaw.com.
<http://caselaw.lp.findlaw.com/data/constitution/amendment12/>. Retrieved 2010-08-26.
38. [^](#) "[Twenty-third Amendment](#)". Caselaw.lp.findlaw.com.
<http://caselaw.lp.findlaw.com/data/constitution/amendment23/>. Retrieved 2010-08-26.

39. [^] ["3 U.S.C. 7"](http://codes.lp.findlaw.com/uscode/3/1/7). Codes.lp.findlaw.com. <http://codes.lp.findlaw.com/uscode/3/1/7>. Retrieved 2010-08-26.
40. [^] ["Michigan Election Law Section 168.47"](http://legislature.mi.gov/doc.aspx?mcl-168-47). Legislature.mi.gov. <http://legislature.mi.gov/doc.aspx?mcl-168-47>. Retrieved 2010-08-26.
41. [^] ["The Green Papers"](http://www.thegreenpapers.com/G00/G00.html). The Green Papers. <http://www.thegreenpapers.com/G00/G00.html>. Retrieved 2010-08-26.
42. [^] "The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted." [*Constitution of the United States: Amendments 11-27*](#), National Archives and Records Administration
43. [^] ^a ^b [3 U.S.C. § 15](#), *Counting electoral votes in Congress*
44. [^] ["RL30804: The Electoral College: An Overview and Analysis of Reform Proposals, L. Paige Whitaker and Thomas H. Neale, January 16, 2001"](http://www.ncseonline.org/nle/crsreports/government/gov-39.cfm#_1_8). Ncseonline.org. http://www.ncseonline.org/nle/crsreports/government/gov-39.cfm#_1_8. Retrieved 2010-08-26.
45. [^] Longley, Lawrence D.; Pierce, Neal R. (1999). *The Electoral College Primer 2000*. New Haven, CT: Yale University Press. p. 13
46. [^] ["Election evolves into 'perfect' electoral storm"](http://www.usatoday.com/news/vote2000/storm.htm). *USA Today*. December 12, 2000. <http://www.usatoday.com/news/vote2000/storm.htm>. Retrieved September 20, 2008.
47. [^] ["Senate Journal from 1837"](http://memory.loc.gov/cgi-bin/ampage?collId=llsj&fileName=026/llsj026.db&recNum=228&itemLink=r%3Fammem%2Fhlaw%3A@field%28DOCID%2B@lit%28sj0262%29%29%3A%230260003&linkText=1). Memory.loc.gov. <http://memory.loc.gov/cgi-bin/ampage?collId=llsj&fileName=026/llsj026.db&recNum=228&itemLink=r%3Fammem%2Fhlaw%3A@field%28DOCID%2B@lit%28sj0262%29%29%3A%230260003&linkText=1>. Retrieved 2010-08-26.
48. [^] ["Apportionment of the U.S. House of Representatives Based on the 2010 Census"](http://2010.census.gov/news/pdf/apport2010_map1.pdf) (PDF). Washington, D.C.: U.S. Census Bureau. 2010-12-21. http://2010.census.gov/news/pdf/apport2010_map1.pdf. Retrieved 2010-12-21. Each state's number of electoral votes is equal to its total congressional representation (its number of Representatives plus its two Senators).
49. [^] ["2010 Census : State Population and the Distribution of Electoral Votes and Representatives"](http://www.thegreenpapers.com/Census10/HouseAndElectors.phtml). [thegreenpapers.com](http://www.thegreenpapers.com). <http://www.thegreenpapers.com/Census10/HouseAndElectors.phtml>.
50. [^] Moore, John L., ed (1985). *Congressional Quarterly's Guide to U.S. Elections* (2nd ed.). Washington, D.C.: Congressional Quarterly, Inc.. pp. 254–256
51. [^] ["Bush v. Gore, \(Justice Stevens dissenting\)"](#) (quote in second paragraph)
52. [^] Moore, John L., ed (1985). *Congressional Quarterly's Guide to U.S. Elections* (2nd ed.). Washington, D.C.: Congressional Quarterly, Inc.. p. 255
53. [^] ^a ^b ^c ^d Kolodny, Robin (1996). "The Several Elections of 1824". *Congress & the Presidency* (Washington, D.C.: American University) **23** (2).
54. [^] ^a ^b ^c ^d ^e ^f ^g Moore, John L., ed (1985). *Congressional Quarterly's Guide to U.S. Elections* (2nd ed.). Washington, D.C.: Congressional Quarterly, Inc.. p. 266
55. [^] ["Legislative Action?, The NewsHour with Jim Lehrer, November 30, 2000"](http://www.pbs.org/newshour/bb/election/july-dec00/session_11-30.html). Pbs.org. http://www.pbs.org/newshour/bb/election/july-dec00/session_11-30.html. Retrieved 2010-08-26.
56. [^] Moore, John L., ed (1985). *Congressional Quarterly's Guide to U.S. Elections* (2nd ed.). Washington, D.C.: Congressional Quarterly, Inc.. p. 254
57. [^] ^a ^b ["Fiddling with the Rules — Franklin & Marshall"](http://www.fandm.edu/x6441.xml). Fandm.edu. 2005-03-09. <http://www.fandm.edu/x6441.xml>. Retrieved 2010-08-26.
58. [^] ["The Electoral College: How It Works in Contemporary Presidential Elections"](http://fpc.state.gov/documents/organization/36762.pdf) (PDF). <http://fpc.state.gov/documents/organization/36762.pdf>. Retrieved 2010-08-26.

59. [^] ["Articles - Upgrading The College"](http://www.presidentelect.org/art_west_upgrade.html). President Elect. 2004-09-05. http://www.presidentelect.org/art_west_upgrade.html. Retrieved 2010-08-26.
60. [^] ["Methods of Choosing Presidential Electors"](http://www.uselectionatlas.org/INFORMATION/INFORMATION/methods.php). Uselectionatlas.org. <http://www.uselectionatlas.org/INFORMATION/INFORMATION/methods.php>. Retrieved 2010-08-26.
61. [^] "Nebraska's Vote Change." (April 7, 1991) *The Washington Post*
62. [^] ^a ^b Molai, Nabil (2008-10-28). ["Republicans Push to Change Electoral Vote System"](http://www.kptm.com/Global/story.asp?S=9255487&nav=menu606_2). KPTM Fox 42. http://www.kptm.com/Global/story.asp?S=9255487&nav=menu606_2. Retrieved 2008-11-04.
63. [^] Staff reporter (2010-01-07). ["Bill targets Neb. ability to split electoral votes"](http://www.kmtv.com/Global/story.asp?S=11785069). Associated Press. <http://www.kmtv.com/Global/story.asp?S=11785069>. Retrieved 2010-01-08. (Archived by WebCite at <http://www.webcitation.org/5mcX6AyaO>)
64. [^] Tysver, Robynn (2008-11-07). ["Obama wins electoral vote in Nebraska"](http://spiffie.newsvine.com/news/2008/11/07/2087147-obama-wins-electoral-vote-in-nebraska). Omaha World Herald. <http://spiffie.newsvine.com/news/2008/11/07/2087147-obama-wins-electoral-vote-in-nebraska>. Retrieved 2008-11-07.
65. [^] ^a ^b ["Election Reform"](http://www.dos.state.pa.us/election_reform/lib/election_reform/Electoral_College_Reform.pdf). Dos.state.pa.us. http://www.dos.state.pa.us/election_reform/lib/election_reform/Electoral_College_Reform.pdf. Retrieved 2010-08-26.
66. [^] ["The Electoral College - Reform Options"](http://www.fairvote.org/e_college/reform.htm#district). Fairvote.org. http://www.fairvote.org/e_college/reform.htm#district. Retrieved 2010-08-26.
67. [^] ["FairVote"](http://www.fairvote.org/e_college/reform.htm#proportional). FairVote. http://www.fairvote.org/e_college/reform.htm#proportional. Retrieved 2010-08-26.
68. [^] Bugh, Gary E. 2010. "Representation in Congressional Efforts to Amend the Presidential Election System." In *Electoral College Reform: Challenges and Possibilities*, ed. Gary E. Bugh. Burlington, VT: Ashgate Publishers, 5–18.
69. [^] ["Electoral College Mischief, The Wall Street Journal, September 8, 2004"](http://www.opinionjournal.com/editorial/feature.html?id=110005582). Opinionjournal.com. <http://www.opinionjournal.com/editorial/feature.html?id=110005582>. Retrieved 2010-08-26.
70. [^] ["Hands Off the Electoral College"](#) by Rep. [Ron Paul](#), MD, December 28, 2004
71. [^] ^a ^b Nivola, Pietro (January 2005). ["Thinking About Political Polarization"](http://www.brookings.edu/papers/2005/01politics_nivola.aspx). Brookings Institution Policy Brief. http://www.brookings.edu/papers/2005/01politics_nivola.aspx
72. [^] Koza et al., John (2006). ["Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote"](http://www.every-vote-equal.com/files/Every-Vote-Equal.pdf). p. xvii. <http://www.every-vote-equal.com/files/Every-Vote-Equal.pdf>
73. [^] ^a ^b ^c Amar, Akhil; Amar, Vikram (September 9, 2004). ["The Electoral College Votes Against Equality"](http://www.fairvote.org/the-electoral-college-votes-against-equality/). *Los Angeles Times*. <http://www.fairvote.org/the-electoral-college-votes-against-equality/>.
74. [^] Mark Livingston, Department of Computer Science. ["Banzhaf Power Index"](http://www.cs.unc.edu/~livingst/Banzhaf/). University of North Carolina. <http://www.cs.unc.edu/~livingst/Banzhaf/>.
75. [^] Gelman, Andrew; Katz, Jonathan; Tuerlinckx, Francis (2002). ["The Mathematics and Statistics of Voting Power"](http://www.stat.columbia.edu/~gelman/research/published/STS027.pdf). *Statistical Science* **17** (4): 420–435. doi:10.1214/ss/1049993201. <http://www.stat.columbia.edu/~gelman/research/published/STS027.pdf>
76. [^] ["Third Parties?; by Jerry Fresia, February 28, 2006"](http://www.zmag.org/znet/viewArticle/4312). Zmag.org. 2006-02-28. <http://www.zmag.org/znet/viewArticle/4312>. Retrieved 2010-08-26.

77. [^] ["Why the Electoral College, P. Andrew Sandlin, December 13, 2000"](http://www.lewrockwell.com/orig/sandlin8.html). Lewrockwell.com. 2000-12-13. <http://www.lewrockwell.com/orig/sandlin8.html>. Retrieved 2010-08-26.
78. [^] ^a ^b Kimberling, William C. (May 1992). ["The Electoral College"](http://www.fec.gov/pdf/electcoll.pdf) (PDF). [Federal Election Commission](http://www.fec.gov/pdf/electcoll.pdf). <http://www.fec.gov/pdf/electcoll.pdf>. Retrieved 2008-01-03.
79. [^] Sabato, Larry (2007). [A More Perfect Constitution](http://www.amoreperfectconstitution.com/) (First U.S. ed.). Walker Publishing Company. ISBN 0-8027-1621-0. <http://www.amoreperfectconstitution.com/>. Retrieved 2009-07-30
80. [^] ["The Electoral College: Bulwark Against Fraud"](http://www.psych.cornell.edu/Darlington/electorl.htm). Psych.cornell.edu. <http://www.psych.cornell.edu/Darlington/electorl.htm>. Retrieved 2010-08-26.
81. [^] ["Dropping out of the electoral college"](http://www.cnn.com/2007/APRIL/10/electoral.college/), CNN.COM, April 10, 2007
82. [^] "Trenton: State Backs Electoral College Change", New York Times, January 14, 2008, Page B5
83. [^] ["About Governor Blagojevich's signing of HB 1685"](http://www.nationalpopularvote.com/pages/states.php?s=IL). Nationalpopularvote.com. <http://www.nationalpopularvote.com/pages/states.php?s=IL>. Retrieved 2010-08-26.
84. [^] ["About veto override in Hawaii"](http://www.nationalpopularvote.com/pages/states.php?s=HI). Nationalpopularvote.com. <http://www.nationalpopularvote.com/pages/states.php?s=HI>. Retrieved 2010-08-26.
85. [^] ["History of Bill"](http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5599&year=2009). Apps.leg.wa.gov. <http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5599&year=2009>. Retrieved 2010-08-26.
86. [^] Leblanc, Steve (2010-08-04). ["Mass. gov. signs national popular vote bill, Seattle Times, August 4, 2010"](http://seattletimes.nwsourc.com/html/localnews/2012536185_apmanationalpopularvote2ndldwritethru.html). [Seattletimes.nwsourc.com](http://seattletimes.nwsourc.com/html/localnews/2012536185_apmanationalpopularvote2ndldwritethru.html). http://seattletimes.nwsourc.com/html/localnews/2012536185_apmanationalpopularvote2ndldwritethru.html. Retrieved 2010-08-26.
87. [^] ["Council of the District \(Search for B18-0769\)"](http://www.dccouncil.washington.dc.us/lims/searchbylegislation.aspx). Council of the District of Columbia. 2009. <http://www.dccouncil.washington.dc.us/lims/searchbylegislation.aspx>. Retrieved 2010-12-21.
88. [^] ["Vermont Is Eighth State to Enact National Popular Vote Bill"](http://www.businesswire.com/news/home/20110422005311/en/Vermont-Eighth-State-Enact-National-Popular-Vote). BusinessWire. April 22, 2011. <http://www.businesswire.com/news/home/20110422005311/en/Vermont-Eighth-State-Enact-National-Popular-Vote>. Retrieved April 22, 2011.
89. [^] sacbee.com

External links

- <http://apps.leg.wa.gov/RCW/dispo.aspx?cite=29.71.020>
- <http://www.votesmart.org/index.htm>
- [U.S. Electoral College FAQ \(www.archives.gov\)](http://www.archives.gov)
- [Historical Documents on the Electoral College](#)
- [Electoral Vote](#)
- [A New Nation Votes: American Election Returns 1787-1825](#)
- [FiveThirtyEight: Electoral Projections Done Right](#)
- [270 to win](#)
- [Winning The Electoral College](#)
- [Electoral Map Calculator](#)
- PredictNovember.com
- ["Math Against Tyranny"](#)

- [H.J.RES.4](#) (proposed constitutional amendment to replace Electoral College with direct popular election of President and Vice President)
- [The Green Papers: More detailed description of reform proposals](#)
- [The Electoral College: How It Works in Contemporary Presidential Elections](#)
- [Office of the Federal Register](#)
- [Joint Session of the 111th Congress for the purpose of certifying the Electoral College ballot count](#), January 9, 2009 (C-Span video)
- [Introductory chapter of *Electoral College Reform: Challenges and Possibilities*](#)

<http://archives.gov/federal-register/electoral-college/about.html>

The Electoral College, administered by the [National Archives and Records Administration](#) (NARA), is not a place. It is a process that began as part of the original design of the [U.S. Constitution](#). The Electoral College was established by the founding fathers as a compromise between election of the president by Congress and election by popular vote. The people of the United States [vote for the electors](#) who then vote for the President. Read more about how the terms "[Elector](#)" and "[Electoral College](#)" came into usage.

Learn about the Electors

- [How many votes do States get?](#)
- [Who selects the Electors?](#)
- [What are the qualifications to be an elector?](#)
- [Access each State's certificate documenting who the electors are and how they voted.](#)

Roles and Responsibilities

The [Office of the Federal Register](#) coordinates the functions of the Electoral College on behalf of the Archivist of the United States, the States, the Congress, and the American People. The Office of the Federal Register operates as an intermediary between the governors and secretaries of state of the various States and the Congress. It also acts as a trusted agent of the Congress in the sense that it is responsible for reviewing the legal sufficiency of the [certificates](#) before the House and Senate accept them as evidence of official State action.

- State executives and the electors are responsible for completing election duties outlined by the Constitution of the United States and Federal law. View the [responsibilities of the States and the electors](#) in the Presidential Election.
- [View the roles](#) of the States, Congress, and the National Archives and Records Administration.
- Read the history of the [Electoral College and the National Archives and Records Administration](#)

<http://www.electoral-vote.com/>

First Look at 2012

Lots of people would like to be President. It is said that every morning, 100 senators look in the bathroom mirror and see a future President. Ditto for 50 governors. And plenty of others. The trouble is, you need something like \$50 million to even get started in a contested primary, and after last week's disaster for the Democrats, every Republican in the country thinks Obama will be a pushover. That won't be true because in 2008, the turnout was 64% and last week it was 42%. With an eligible voting population of about 200 million people, that means something in excess of 40 million voters didn't show up for the midterms. This group is skewed highly Democratic and most of them will show up in 2012. Nevertheless, politicians tend to think the next election will be like the last one so there will be no shortage of Republican candidates lining up to challenge Obama. Here is a list of some of the major players

2012 Senate Races

2012 will be an echo of the 2006 election, when Democrats were very successful. That success will come back to haunt them in 2012, when 21 Democrats plus Sen. Bernie Sanders (I-VT) and Sen. Joe Lieberman (I-CT) are up for reelection. Only 10 Republicans are up. Fortunately for the Democrats, 2012 is a presidential year, meaning there will be 30-40 million more voters than in 2010, mostly young people, minorities, and single women, groups skewed strongly toward the Democrats. The table below shows who is up and how big their vote totals were last time.

For Washington State - Washington's presidential electors, one is from each of the state's nine congressional districts, plus two at-large electors. Mostly Democrat, although the current Sec of State is Sam Reed (R), listed in the nass site.