

# **How to elect the President in the United States: Three alternatives to the Electoral College**

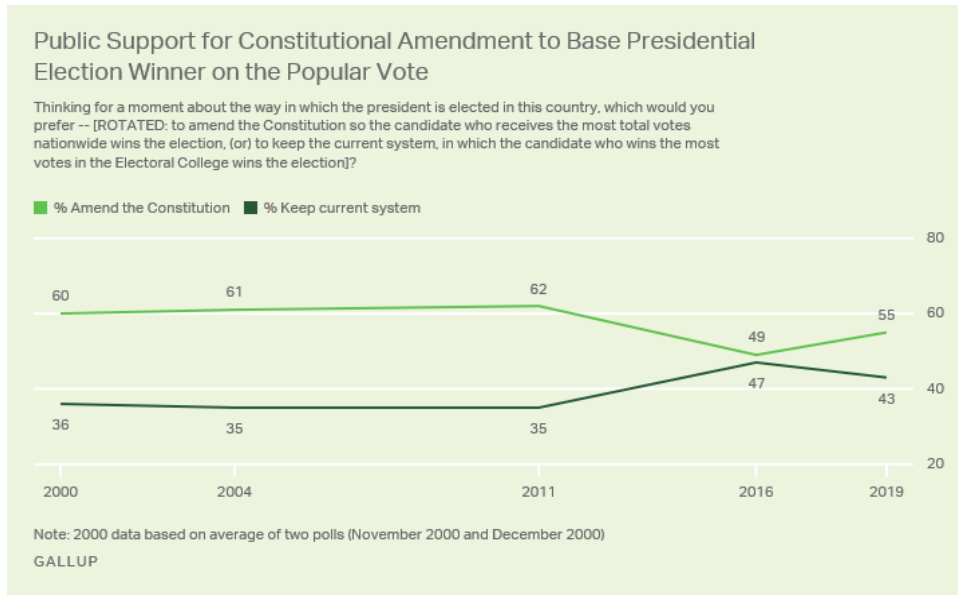
## **Introduction**

The Founding Fathers of the United States proposed a system called the Electoral College as a compromise between a Presidential election by the people and a one by Congressmen. In the Electoral College, the same number of Presidential electors as Senators and Congressmen is allocated to each state, and a state elects Presidential electors in a manner specified by its legislature (National Archives, 2019). Presidential electors cast two ballots on Presidential candidates, but at least one ballot must be cast on a candidate whose hometown is different from theirs. The candidate who gets the majority of the electors' vote becomes the President of the United States and the runner-up the Vice-President. This is the earliest version of the Electoral College.

Later, the Electoral College underwent minor modifications by constitutional amendments. Twelfth Amendment provided that the President and the Vice-President are elected separately, and Twenty-third Amendment allocated three Presidential electors to District of Columbia (National Archives, 2016). Today, the total number of Presidential electors is 538.

In the era of nation-building, not only politicians but also the people accepted the Electoral College as an innovative election system. However, as Graph 1 shows, more than half of Americans have been against the Electoral College over the last few years. The present study discusses major problems in the current system of electing the President, propose several alternatives, and determine which one is the best. The public concern over the Electoral College has risen recently, and the campaign for the next

Presidential election has already gone underway. Therefore, it is important to discuss inherent problems of this system and explore ways to improve the process of electing the Chief Executive.



Graph 1 (Jones, 2019)

## Literature Review

This chapter will analyze major problems in the Electoral College. According to Jones (2019), there are four reasons why today's Americans are opposed to the current system (see Table 1). As Table 1 indicates, what concerns Americans most regarding the Electoral College is the problem that the winner of the popular vote doesn't always win the election. In the 2016 Presidential election, Hillary Clinton (Democrat) got about three million more votes than Donald Trump (Republican) (Krieg, 2016). However, Trump won the Presidency, just because he got more electoral votes. Furthermore, that was not the first case in which a candidate lost the popular vote yet won the election. The same thing had happened four times before 2016 (Lucas, 2017, p.6).

Americans' Concerns About the Electoral College

How concerned are you about each of the following aspects of the U.S. Electoral College system -- very concerned, somewhat concerned, not too concerned or not concerned at all?

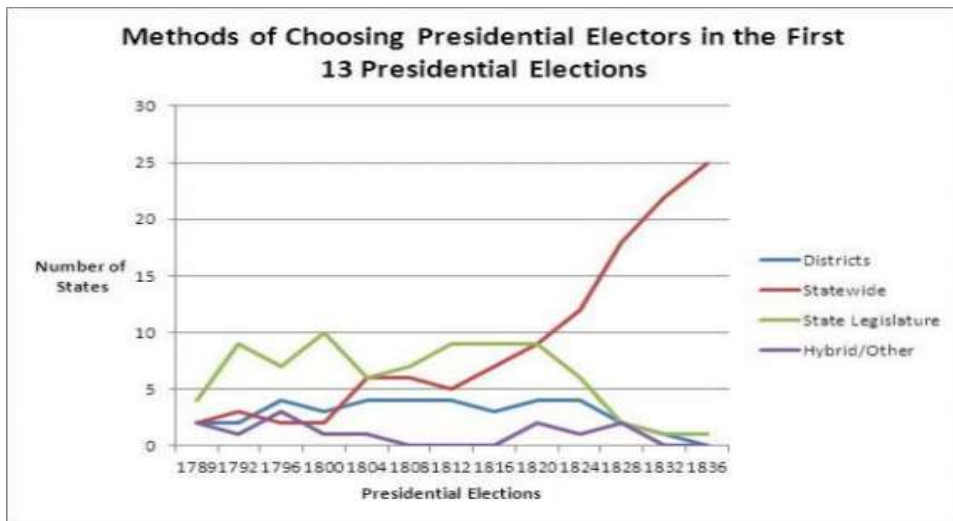
	Very concerned	Somewhat concerned	Not too concerned	Not concerned at all
	%	%	%	%
The winner of the popular vote doesn't always win the election	37	26	15	22
Small-population states have a disproportionate influence on the outcome	35	29	20	16
It makes it very difficult for independent or third-party candidates to win	32	29	20	19
Candidates mostly focus their campaigns on voters in a small number of competitive "swing" states	27	30	26	17

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Table 1 (Jones, 2019)

The major cause of this is that almost all the states have adopted the winner-take-all system. As described above, the Federal Constitution provided that the right to choose Presidential electors is reserved to the state governments. Therefore, as Graph 2 indicates, the process of choosing the electors varied from one state to another. However, the states gradually adopted a statewide election system called “the winner-take-all system”. By 1836, all the states except South Carolina adopted the system (Maccarthy, 2012).

Most of the states where the winner-take-all system is adopted use ballots on which only the names of Presidential and Vice-Presidential candidates are written (Ota, 1996, p.51, p.56). A voter casts a ballot on the Presidential candidate of his or her choice, and then the ballot is sent to a group of Presidential electors who pledged support for that candidate. The number of these electors is the same as that of the Presidential electors allocated to the state. Finally, the group which gets most votes is elected as Presidential electors in bulk.



Graph 2 (Mccarthy, 2012)

In this system, the Presidential candidate with the most popular votes gets all the Presidential electors in a state, and the runner-up gets none. As a result, a large number of wasted votes can be generated. This is the reason why an upset like the 2016 Republican victory can happen. Table 2, which was made by the present author, is the perfect example of this. Candidate A can become the next President by getting more electoral votes, even though he/she has been defeated in total vote cast.

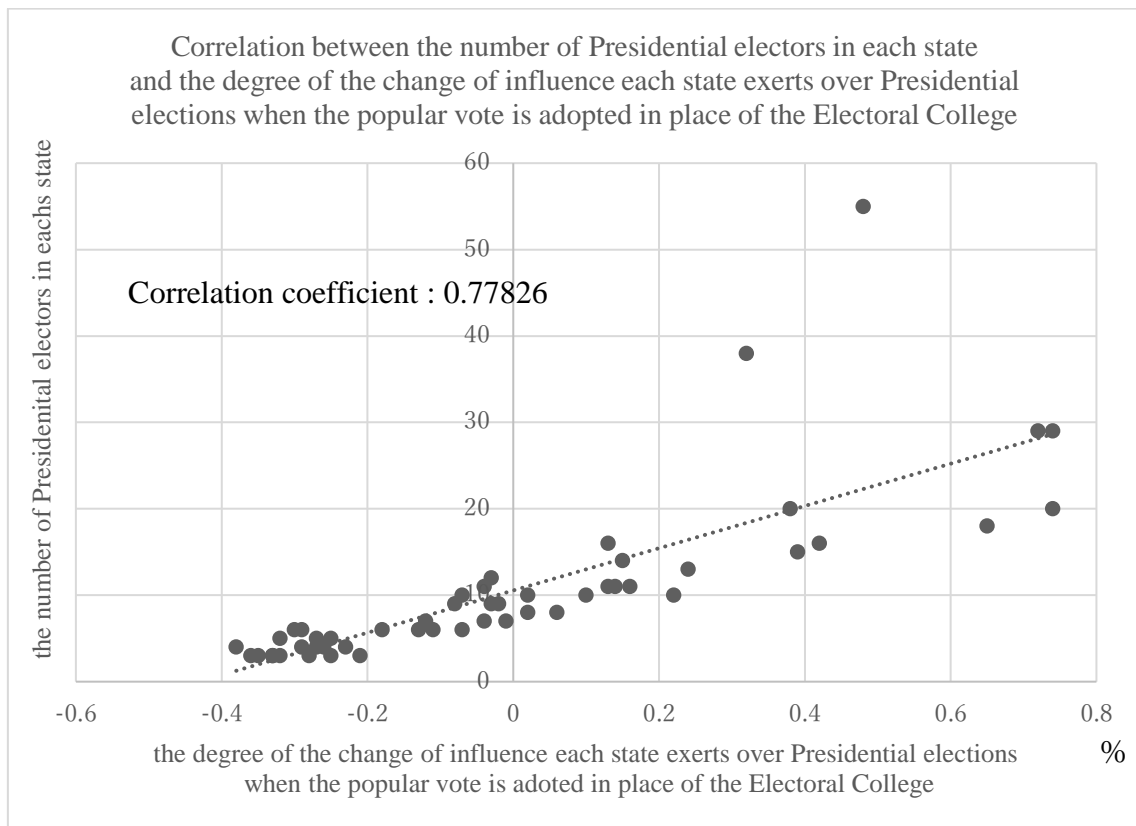
	Votes in state A	Votes in state B	Total votes	Electoral votes
Candidate A	7000	2000	9000	12
Candidate B	5000	8000	13000	10

Table 2

Moreover, the problem in which Americans have the second strongest interest is the one that “small-population states have disproportionate influence on the outcome”. The cause of this is not the winner-take-all system, but the Electoral College itself. The federal government allocates at least two seats in the U.S. Senate and a one in the U.S. House to every state, so all the states can get more than three Presidential electors

regardless of the size of population. Therefore, a large number of people suspect that small-population states exert disproportionately large influence on the outcome of Presidential elections.

In fact, Graph 3, which was made by the present author using data gathered from the U.S. Census Bureau, American Community Survey (2017), verifies their suspicions. This graph shows the correlation between the number of Presidential electors in each state and the degree of the change of influence each state exerts on Presidential elections when the popular vote is adopted in place of the Electoral College. The horizontal axis is calculated by the following formula:  $(\text{the number of voters in each state} / \text{the total number of voters in the U.S.}) - (\text{the number of Presidential electors in each state} / \text{the total number of Presidential electors in the U.S.})$



Graph 3

This Graph indicates that smaller a state's population is, the less influence the state would exert if the popular vote were adopted. In other words, the Electoral College works better for smaller states. In this way, the problem of this disproportion is inherent in the Electoral College itself.

The following problem also attracts almost the same amount of attention from Americans as the preceding one: The Electoral College makes it very difficult for independent or third-party candidates to win. Certainly, there are some examples that independent or third-party candidates fought good fights in the past elections (Kubo, 2018, p.184, pp.66-67). However, they have never won since the middle of the 19th century, when the current two-party system was established (Kubo, 2018, pp.292-293).

The major cause of this is that almost all the states have adopted the winner-take-all system. As explained above, a large number of wasted votes can be generated under the current system. The fact that independent or third-party candidates have virtually no chance of winning discourages the people from voting for them.

The last problem to be discussed is that Presidential candidates focus their campaign mostly on voters in a small number of competitive "swing" states. Lucas (2017, pp.5-6) indicates that a Presidential election campaign tends to be focused on only six states. He also says these states have a common characteristic: They are the states where it is extremely difficult to make predictions about which candidates will win. The reason is that power balance between Democrats and Republicans is "swinging".

This phenomenon is also caused by the fact that almost all the states have adopted the winner-take-all system. As described above, the runner-up cannot get any Presidential electors under the winner-take-all system. Therefore, Presidential candidates tend to ignore conservative and liberal strongholds and instead campaign most vigorously in a

small number of competitive “swing” states.

This chapter has clarified the major causes of the four problems. The problem of the disproportion of Presidential electors is attributed to the Electoral College itself. In contrast, the primary cause of the other three problems seems to lie in the fact that almost all the states have adopted the winner-take-all system.

As Graph 1 indicates, the majority of Americans complain about the Electoral College and hope to change it fundamentally. Taking this fact into account, it would be better to reform the current Presidential system. The next chapter will explore the possibility of adopting alternative methods.

### **Analysis and Discussion**

According to the document released by National Conference of State Legislatures (2016), there seem to be mainly two ways to change the current Presidential election system. One is the adoption of the popular vote instead of the Electoral College. The other is introduction of the district system or the proportional-representation system in all states in place of winner-take-all system (National Conference of State Legislature, 2016, Ota, 1996, pp.62-63, and Lucas, 2017, p.9, pp.15-24) This chapter clarifies how many problems regarding the Electoral College these three ideas solve.

The popular vote is the most well-known idea for Americans. This is an election system in which voters cast ballots directly for a Presidential candidate. If this system were adopted, all the four problems mentioned earlier would be solved. In the popular vote, state boundaries become mostly pointless, so the introduction of this system would eliminate wasted votes generated under the Electoral College. As a result, Independent or third-party candidates would have a chance to win. Besides, there would be no such

concepts like Presidential electors and “swing” states.

Compared with the popular vote, although the district system seems to be less familiar to Americans, this is adopted by the states of Maine and Nebraska. In the district system, the state government allocates one Presidential elector to every congressional district. When a Presidential candidate has won in a congressional district, he will get one Presidential elector. Moreover, the Presidential candidate who got the most votes in a state win two Presidential electors corresponding to the number of Senators. Under this system, a Presidential candidate does not always get all Presidential electors in a state. In fact, in the 2008 Presidential election, John McCain (Republican) won four Presidential electors and Barak Obama (Democrat) one in Nebraska (National Conference of State Legislatures, 2016).

Although the introduction of the district system would solve a few problems in the Electoral College, this system retains many of the problems. If all the states adopted the district system, “non-swing” states would attract more attention. Since liberals tend to live in urban areas and conservative are concentrated in rural areas (Keena 2019), a Presidential candidate could possibly get a few Presidential electors even in Democrat’s or Republican’s strongholds if he/she concentrated election campaign on a particular district. The same thing can be said about independent or third-party candidates. Therefore, the introduction of the district system would better serve their interests.

Independent or third-party candidates would nonetheless remain in a disadvantageous position in the district system. This is because only the leading Presidential candidate can get a Presidential elector in a congressional district, and a lot of wasted votes would still be generated. For the same reason, the introduction of the district system would not solve the problem that the winner in the popular vote does not



always win the election. Moreover, the problem of the disproportion of Presidential electors would not be solved even if all the states adopted the district system, because it does not mean the abolishment of the Electoral College.

The last to be discussed is the proportional-representation system, which is less known throughout the United States. If this system were adopted in all states instead of winner-take-all system, three of the four problems except “small-population states have a disproportionate influence on the outcome” would be solved. This is an election system in which the state government allocates Presidential electors to a Presidential candidate in proportion to his share of vote. Table 3, which was made by the present author, is an example of a Presidential election result in a state where the proportional-representation system is adopted. Although there are various ways to allocate Presidential electors proportionally, D’hondt method is used in Table 3 for the sake of argument. In this case, Candidates A, B and C can get three Presidential electors respectively.

	Candidate A	Candidate B	Candidate C	Candidate D
Votes	1,200,000	900,000	600,000	150,000
1	1,200,000	900,000	600,000	150,000
2	600,000	450,000	300,000	75,000
3	400,000	300,000	200,000	50,000
The number of Presidential electors	3	3	3	0

Table 3

As Table 3 shows, election results under the proportional-representation system justly mirror public opinion because wasted votes tend to be much fewer than under the

winner-take-all system. Therefore, the introduction of this system would help independent or third-party candidates to make a difference. In addition, the possibility that the winner in the popular vote fails to get the Presidency would decrease substantially. Moreover, every state would become a “swing” state, so the adoption of the proportional-representation system would help to decrease the disparities in influence among the states. On the other hands, the problem of the disproportion of Presidential electors would not be solved even if all the states adopted this system. The reason is that the adoption of the proportional-representation system does not mean the abolishment of the Electoral College.

Having considered the discussion above, the popular vote seems to be the best of the three alternatives to the current system. However, before giving a definite answer, I will discuss potential problems in the three methods. First, the popular vote is problematic in that it would produce a large number of minor candidates. As described above, the adoption of the popular vote would benefit independent or third-party candidates. This is desirable from the perspective of competition among political parties, but at the same time it may promote competition excessively. As a result, even minor candidates would be able to exert influence on election results.

Moreover, it is predicted that the introduction of the district system would promote “partisan gerrymandering” (Tausanovitch, 2019). The federal government delegates the authority to redistrict to each state legislature, so the dominant party in a state is free to alter congressional districts for the sake of them. Therefore, the dominant party is likely to gerrymander in order to help its favorite Presidential candidate get the Presidency if a particular state adopts this system. In contrast to the preceding two ideas, there is a small problem in the proportional-representation system. If many states

adopted this system, Presidential candidates would have difficulties getting the majority of electoral votes. Therefore, it is possible that “minority” Presidential candidate would get the Presidency. However, we can justify that kind of victory because the election result justly mirrors public opinion. Furthermore, a large number of minor candidates would not appear because they cannot exert any influence over Presidential election in this system unless they got a Presidential elector as Table 3 indicates.

It became clear from the preceding discussions that the district system is inferior to the popular vote. However, the proportional-representation system is not necessarily inferior to the popular vote, so we cannot yet conclude which system is the best. Therefore, it may be reasonable to compare the two methods – the popular vote and the proportional-representation system – from the perspective of which one is easier to realize. However, it is tremendously difficult to do this, so I will compare them from the perspective of which is more acceptable to Americans.

According to Jones (2019), there seem to be mainly two ways to realize the popular vote. One is a constitutional amendment, and the other is the National Popular Vote Interstate Compact. The latter is an agreement between the states in order to base the winner in Presidential elections on a one in the popular vote without procedures for amending the Federal Constitution (Neale, 2019). This compact takes effect when the number of Presidential electors the member states have reached 270. As of December 1, 2019, fifteen states and District of Columbia have participated in this compact and the total of Presidential electors is 196.

Jones (2019) describes that 55% of Americans are in favor of a constitutional amendment and 45% prefer the National Popular Vote Interstate Compact. Moreover, Table 4 indicates that Republicans tend to be against for the popular vote. There are

mainly two reasons for this.

Support for Ways to Change System to Base Presidential Winner on Popular Vote, by Party

	Democrats/Democratic leaners		Republicans/Republican leaners	
	% For	% Against	% For	% Against
Amend the Constitution	84	14	24	74
States change how they award electoral votes	69	30	21	77

Note: Respondents were randomly assigned to answer one of the two questions.

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Table 4 (Jones, 2019)

One reason is that Republicans tend to believe that the Electoral College works better for their interest. As described above, Donald Trump got the Presidency despite losing in the popular vote. Moreover, the same Republican victory materialized in the 2000 Presidential election, so it is no wonder that Republicans prefer to retain the Electoral College. In fact, the polarization between supporters and opponents, as Graph 1 indicates, has widened since 2016.

Another reason is that Republicans tend to hate infringement of state sovereignty. Watase (2018) explains that conservative Americans are faithful to the Constitution, so they are allergic to the expansion of federal power. The adoption of the popular vote in place of the Electoral College means that the federal government deprives the states of right, which is why Republicans tend to be against the popular vote.

In contrast, the proportional-representation system is an alternative to the winner-take-all system rather than to the Electoral College. The introduction of this system in each state does not lead to the expansion of federal power. In this respect, the proportional-representation system is more acceptable to conservative Americans than the popular vote. Having considered these matters, the proportional-representation

system is more acceptable to Americans as a whole than the popular vote.

This chapter has discussed which of the three ideas is the best alternative to the current system. Having considered the overall arguments, it seems natural to conclude that the adoption of the proportional-representation system in all states is the best of the three. This would solve three out of the four problems about the Electoral College without generating a new problem.

## **Conclusion**

The present study has concluded that the adoption of the proportional-representation system is the best alternative to the current Presidential election system. However, this idea has not prevailed throughout the United States. Although Democrats agree to realize electoral reform, they lean heavily toward the popular vote and refuse to adopt a compromise solution. This study offers a suggestion that Democrats should make a compromise with Republicans.

One of the limitations of this study is that it fails to discuss whether the three alternative systems actually materialize, so a farther study of this should be conducted. However, this study has proposed the best Presidential election system for Americans. In this respect, it has a profound importance. It is hoped that this study will contribute to a better understanding of the ongoing debate on the Electoral College.

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