

**Two Distinctive Features of American Democracy:
The Electoral College and State-Run Elections**

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U.S. is a Presidential and Federal System

- It is NOT unique in these respects
- Presidentialism is uncommon in Europe, but exists throughout Latin America, East Asia and Africa.
- Federalism is also present in a significant minority of countries, on all continents.
- The combination of these two features is less common, but also not unique, -Mexico, Argentina, Brazil and Nigeria also have versions of it.

How Then are U.S. Elections Distinctive?

Two Institutional Features of the U.S. system that are distinctive or unique are:

1. The Electoral College
2. The central role of state governments in regulating and administering even elections for national office, including the Presidency.

Electoral College

- President is NOT elected directly by voters, but by 538 electors.
 - When we vote, we see the names of Presidential candidates, but are technically voting for slates of Electors.
- Every state and DC chooses Electors. The number varies from a minimum of 3 for the smallest states and DC to 54 for California. The number reflects the number of U.S. Representatives states have along with the two senators.
- The allocation is largely based on state population, but over-represents small states somewhat.
- If no candidate receives a majority, the U.S. House chooses among the top three vote getters, with each state having one vote, cast by its representatives collectively. This has not happened since 1824.

Why Was The Electoral College Created?

- Multiple Motives for the Founders :
 - 1. Many thought the public (then white male property-owners) would not know enough to vote for President. The mass media didn't exist. Most people had little education and travel was difficult. They also did not want to let Congress choose the President, which would undermine separation of powers.
 - 2. Some wanted to make sure small states were not overwhelmed.
 - 3. States where enslaved people were a large share of the population (slavery was legal in MD) had more political power via the Electoral College than they would have under a direct popular vote, because the allocation of Electors (and U.S. Representatives) counted slaves (on a 3/5 basis) even though slaves were not allowed to vote.

Electoral College Does Not Work as Intended and has Been Unpopular

- Electors are selected by political parties and vote for the party's presidential nominee when they meet in December in state capitals.
- This is **not** what Founders expected. They didn't foresee the party system. They thought Electors would make real decisions. That has never been true except for a few protest votes.
- Historically, the same candidate has won the Electoral vote and the popular vote in almost all cases.
- Exceptions: 1876, 1888, 2000 and 2016.
- Amending the US Constitution is very hard (2/3 of the House and Senate required, plus $\frac{3}{4}$ of state legislatures, some of which require supermajority to ratify amendments). Now Republicans think the Electoral College favors them and they can block change.

States Determine How Electors are Chosen

- Initially, some states had legislatures choose Electors others let voters chose them on a district basis, so more than one candidate could win Electors from the same state.
- By the 1830s, the current practice of voters electing a partisan slate of Electors on a winner-take-all statewide basis had become the norm.
- Yet states retain autonomy. Nebraska and Maine allocate some Electors on a district basis. No states use proportional representation.
- The winner-take all system means that winning a state by 1% and 20% counts the same. If a candidate's vote is distributed "inefficiently", he or she may win the popular vote, but NOT the Electoral Vote, as was the case for Al Gore in 2000 and Hillary Clinton in 2016. It leads campaigns to focus on the "battleground states". This year that is only seven competitive states and one district in Nebraska. Maryland is not "in play", but Pennsylvania is.

States are NOT Unrestricted

- The Constitution has been amended and provides that states cannot exclude citizens from voting based on race, sex or age (for those 18 and older) and they can no longer require payment of a “poll tax”

But They Retain a Lot of Authority

- 1. Voter registration provisions
 - Some states require registration to vote weeks in advance, others allow same day registration.
- 2. Voting by Mail
 - Some states send everyone a ballot. Some make voting by mail difficult
- 3. Early Voting
 - In recent decades some allow in person voting early (Oct 24-31 in MD), a few do not.
- 4. Allocation of Electors
 - Winner-take all is the rule in all states except Maine and Nebraska.
- 5. States count the votes and certify the list of Electors sent to Washington to be counted by the Vice-President and Congress