

UNDERSTANDING THE ELECTORAL COLLEGE

Presented by The Westlake 9/12 Project

WHAT IS THE ELECTORAL COLLEGE?

- The Electoral College is the mechanism that is used in the United States for the election of the President and Vice President.
- The Electoral College is part of a form of government known as Federalism.
 - States agree to a centralized government for certain functions, while still retaining their individual sovereignty.
- The Electoral College is a reflection of our representative form of government.
 - Citizens assign to certain representatives (Electors) the responsibility to cast their vote for the President and Vice President.

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WHY THE ELECTORAL COLLEGE?

- *The electoral college is a device that balances nationalism with states' rights and leavens democracy's passions with deliberation and reason. (Yoo and Phillips)*
- *The Electoral College protects from a bare or emotional majority just running over the rest of the country. It most critically preserves the idea of federalism, and that the states actually matter within our system. (Stepman)*

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HOW DOES THE ELECTORAL COLLEGE WORK?

- Each state has as many "electors" in the Electoral College as it has Representatives and Senators in the United States Congress.
- The District of Columbia has three electors.
- When voters go to the polls in a Presidential election, they actually are voting for the slate of electors vowing to cast their ballots for that ticket in the Electoral College.
- A candidate can win a majority of electoral college votes without winning a majority of the overall national popular votes.
- Donald Trump and George W. Bush were each elected president without winning the popular vote.

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HOW DOES THE ELECTORAL COLLEGE WORK?

- Most states require that all electoral votes go to the candidate who receives the plurality in that state. After state election officials certify the popular vote of each state, the winning slate of electors meet in the state capital and cast two ballots—one for Vice President and one for President. Electors cannot vote for a Presidential and Vice Presidential candidate who both hail from an elector's home state.
- Maine and Nebraska employ a "district system" in which two at-large electors vote for the state's popular plurality and one elector votes for each congressional district's popular plurality. In the November 2, 2004, election, Colorado voters rejected a "proportional system" in which electors would vote proportionally based on the state's popular vote.

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HOW DOES THE ELECTORAL COLLEGE WORK?

- The District of Columbia and 26 states "bind" their electors to vote for their promised candidate, via a number of methods including oaths and fines. In the modern era, very rarely have electors voted for someone other than for whom they pledged. Though still rare, electors more commonly changed their vote in the 19th century—particularly on the vote for Vice President. Such "faithless electors" have never decided a Presidency.
- There has been one faithless elector in each of the following elections: 1948, 1956, 1960, 1968, 1972, 1976, and 1988. A blank ballot was cast in 2000. In 2016, seven electors broke with their state on the presidential ballot and six did so on the vice presidential ballot.

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HOW DOES THE ELECTORAL COLLEGE WORK?

- Since the mid-20th century, on January 6 at 1:00 pm before a Joint Session of Congress, the Vice President opens the votes from each state in alphabetical order. He passes the votes to four tellers—two from the House and two from the Senate—who announce the results. House tellers include one Representative from each party and are appointed by the Speaker. At the end of the count, the Vice President then declares the name of the next President.
- Since 1887, 3 U.S.C. 15 sets the method for objections to electoral votes. During the Joint Session, Members of Congress may object to individual electoral votes or to state returns as a whole. An objection must be declared in writing and signed by at least one Representative and one Senator...

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HOW DOES THE ELECTORAL COLLEGE WORK?

- In the case of an objection, the Joint Session recesses and each chamber considers the objection separately in a session which cannot last more than two hours with each Member speaking for no more than five minutes. After each house votes on whether or not to accept the objection, the Joint Session reconvenes and both chambers disclose their decisions. If they agree to the objection, the votes in question are not counted. If either chamber does not agree with the objection, the votes are counted.
- Objections to the Electoral College votes were recorded in 1969 and 2005. In both cases, the House and Senate rejected the objections and the votes in question were counted.

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HOW DOES THE ELECTORAL COLLEGE WORK?

- Originally, the Electoral College provided the Constitutional Convention with a compromise between the popular election of the President and congressional selection.
- The 12th Amendment—ratified in 1804—changed the original process, allowing for separate ballots for determining the President and Vice President.
- The District of Columbia has had three electors since the 23rd Amendment was ratified in 1961.
- There have been other attempts to change the system, particularly after cases in which a candidate wins the popular vote, but loses in the Electoral College, most notably when a Democrat candidate loses.

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HOW DOES THE ELECTORAL COLLEGE WORK?

- Five times a candidate has won the popular vote and lost the election. Andrew Jackson in 1824 (to John Quincy Adams); Samuel Tilden in 1876 (to Rutherford B. Hayes); Grover Cleveland in 1888 (to Benjamin Harrison); Al Gore in 2000 (to George W. Bush); Hillary Clinton in 2016 (to Donald J. Trump).
- The closest Congress has come to amending the Electoral College since 1804 was during the 91st Congress (1969–1971). H.J. Res. 681 proposed the direct election of a President and Vice President, requiring a run off when no candidate received more than 40 percent of the vote. The resolution passed the House in 1969, but failed to pass the Senate.

HOW DOES THE ELECTORAL COLLEGE WORK?

- In the case of an Electoral College deadlock or if no candidate receives the majority of votes, a "contingent election" is held. The election of the President goes to the House of Representatives. Each state delegation casts one vote for one of the top three contenders to determine a winner.
- Only two Presidential elections (1800 and 1824) have been decided in the House.
- Though not officially a contingent election, in 1876, South Carolina, Florida, and Louisiana submitted certificates of elections for both candidates. A bipartisan commission of Representatives, Senators, and Supreme Court Justices, reviewed the ballots and awarded all three state's electoral votes to Rutherford B. Hayes of Ohio, who won the presidency by a single electoral vote.

HOW DOES THE ELECTORAL COLLEGE WORK?

- Who selects the Electors?
- Choosing each state's Electors is a two-part process. First, the political parties in each state choose slates of potential Electors sometime before the general election. Second, on Election Day, the voters in each state select their state's Electors by casting their ballots for President.
- The first part of the process is controlled by the political parties in each state and varies from state to state. Generally, the parties either nominate slates of potential Electors at their state party conventions or they chose them by a vote of the party's central committee...

HOW DOES THE ELECTORAL COLLEGE WORK?

- ...This happens in each state for each party by whatever rules the state party and (sometimes) the national party have for the process. This first part of the process results in each Presidential candidate having their own unique slate of potential Electors.
- Political parties often choose Electors for the slate to recognize their service and dedication to that political party. They may be state elected officials, state party leaders, or people in the state who have a personal or political affiliation with their party's Presidential candidate. (For specific information about how slates of potential Electors are chosen, contact the political parties in each state.)

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HOW DOES THE ELECTORAL COLLEGE WORK?

- The second part of the process happens on Election Day. When the voters in each state cast votes for the Presidential candidate of their choice they are voting to select their state's Electors. The potential Electors' names may or may not appear on the ballot below the name of the Presidential candidates, depending on election procedures and ballot formats in each state.
- The winning Presidential candidate's slate of potential Electors are appointed as the state's Electors—except in Nebraska and Maine, which have proportional distribution of the Electors.

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HOW DOES THE ELECTORAL COLLEGE WORK?

- Are there restrictions on who the Electors can vote for?
- There is no Constitutional provision or Federal law that requires Electors to vote according to the results of the popular vote in their states. Some states, however, require Electors to cast their votes according to the popular vote. These pledges fall into two categories—Electors bound by state law and those bound by pledges to political parties.
- The U.S. Supreme Court has held that the Constitution does not require that Electors be completely free to act as they choose and therefore, political parties may extract pledges from electors to vote for the parties' nominees...

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HOW DOES THE ELECTORAL COLLEGE WORK?

- ...Some state laws provide that so-called "faithless Electors" may be subject to fines or may be disqualified for casting an invalid vote and be replaced by a substitute elector. The Supreme Court has not specifically ruled on the question of whether pledges and penalties for failure to vote as pledged may be enforced under the Constitution. No Elector has ever been prosecuted for failing to vote as pledged.
- Today, it is rare for Electors to disregard the popular vote by casting their electoral vote for someone other than their party's candidate. Electors generally hold a leadership position in their party or were chosen to recognize years of loyal service to the party. Throughout our history as a nation, more than 99 percent of Electors have voted as pledged.

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HOW DOES IT WORK?

- Most states require that all electoral votes go to the candidate who receives the plurality in that state. After state election officials certify the popular vote of each state, the winning slate of electors meet in the state capital and cast two ballots—one for Vice President and one for President. Electors cannot vote for a Presidential and Vice Presidential candidate who both hail from an elector's home state.

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- Only two Presidential elections (1800 and 1824) have been decided in the House.

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HOW WAS IT DEVELOPED?

- Now that we understand what the Electoral College is and how it operates, let's look at how it evolved.
- The Founders at one time considered the option that Congress should elect the President, but there were concerns that this may lead to an Executive Branch that was beholden to Congress, thereby subverting the separation of powers.
- The Electoral College provided a layer of insulation between the President and Congress, and created a means by which the people could be involved in his election.
- At the same time, there was concern about whether the whole body of people would have sufficient information to make fully-informed decisions.
- Let's look at why this is important, starting with some foundational principles...

FOUNDATIONAL PRINCIPLES

The United States of America is a Constitutional Republic, not a Democracy

- **Constitutional Republic**
 - The Constitution provides a consistent framework for the operation of the Federal Government.
 - States are sovereign, but voluntarily agree to delegate certain functions to a centralized government.
 - Citizen participation is through representatives; passions are moderated by grouping people.
 - Representation is local and proportional to population size.
 - Representatives best represent the interests of the people who elect them.

FOUNDATIONAL PRINCIPLES

The United States of America is a Constitutional Republic, not a Democracy

- **Democracy**
 - The Constitution provides a consistent framework for the operation of the Federal Government.
 - States lose sovereignty when people directly participate in deciding how the Federal Government operates.
 - Citizen participation is direct; passions are not moderated. Activism and organizing drive actions.
 - Individual liberties are lost to the rule of the raw majority. Statism replaces Federalism.
 - "Two wolves and a sheep discussing what to have for dinner."

EARLY ARGUMENTS FOR

- An important topic of debate at the Constitutional Convention in 1787 concerned the executive branch, specifically the requirements surrounding the means of electing the president and the measures that had to be taken in order to ensure that the election took place in a manner that the members of the convention could agree upon.
- In Federalist Paper No. 68, Alexander Hamilton, writing under the alias of Publius, argues in support of the Electoral College.
- In this document, Hamilton states, in part, that *"...if the manner of it be not perfect, it is at least excellent..."*
- Hamilton believed that *"...It was also peculiarly desirable to afford as little opportunity as possible to tumult and disorder..."*

EARLY ARGUMENTS FOR

- Hamilton, among other of the Founders, feared for the security of the new republic from outside influence, noting:
 - *"Nothing was more to be desired than that every practicable obstacle should be opposed to cabal, intrigue, and corruption. These most deadly adversaries of republican government might naturally have been expected to make their approaches from more than one quarter, but chiefly from the desire in foreign powers to gain an improper ascendancy in our councils. How could they better gratify this, than by raising a creature of their own to the chief magistracy of the Union?"*
- Hamilton also wanted to make sure that the President and Congress did not form special interest alliances:
 - *"...the Executive should be independent for his continuance in office on all but the people themselves..."*

EARLY ARGUMENTS FOR

- Hamilton wanted to make sure that the candidates for President represented the whole nation, not just regional or partisan interests...
 - *"The process of election affords a moral certainty, that the office of President will never fall to the lot of any man who is not in an eminent degree endowed with the requisite qualifications. Talents for low intrigue, and the little arts of popularity, may alone suffice to elevate a man to the first honors in a single State; but it will require other talents, and a different kind of merit, to establish him in the esteem and confidence of the whole Union, or of so considerable a portion of it as would be necessary to make him a successful candidate for the distinguished office of President of the United States."*
- Hamilton also laid out a rationale for the election of the Vice President.

EARLY ARGUMENTS AGAINST

- Antifederalist Paper #72
 - The anonymous writer, known only by his alias Republicus, is against the electoral college as he feels it takes the power of having the responsibility of electing the president out of the hands of the people;
 - *"Is it then become necessary, that a free people should first resign their right of suffrage into other hands besides their own, and then, secondly, that they to whom they resign it should be compelled to choose men, whose persons, characters, manners, or principles they know nothing of?"*
 - Republicus also objected to the fact that one of the candidates was not to be from the voter's state;
 - *"In other words, they shall vote for two, one or both of whom they know nothing of."*

EARLY ARGUMENTS AGAINST

- In its original proposed format, all votes cast by electors were considered for the executive officers, with the President being the one with the most votes and the Vice-President being the one with the second-most votes. Republicus objected to this direct link between Congress and the President;
 - *"... is it rational, that the sacred rights of mankind should thus dwindle down to Electors of electors, and those again electors of other electors?"*
 - *"And, after all ...to intrust Congress with the final decision at last?"*
- Republicus wanted the people's direct votes to elect the President;
 - *"To conclude, I can think of but one source of right to government, or any branch of it-and that is THE PEOPLE."*

EARLY ARGUMENTS AGAINST

- Republicus emphasizes his point by stating the significance of the role of President (although not completely accurately);
 - *"...and that for an officer too, of so much importance as a president - invested with legislative and executive powers; who is to be commander in chief of the army, navy, militia, etc.; grant reprieves and pardons; have a temporary negative on all bills and resolves; convene and adjourn both houses of congress; be supreme conservator of laws; commission all officers; make treaties; and who is to continue four years, and is only removable on conviction of treason or bribery, and triable only by the senate, who are to be his own council, whose interest in every instance runs parallel with his own, and who are neither the officers of the people, nor accountable to them."*

EARLY ARGUMENTS AGAINST

- Republicus was concerned that the relationship between the President and Congress would become too intertwined, resulting in the development of an authoritarian government.
- *“Again I would ask . . . is it not probable, at least possible, that the president who is to be vested with all this demiomnipotence – who is not chosen by the community; and who consequently, as to them, is irresponsible and independent—that he, I say, by a few artful and dependent emissaries in Congress, may not only perpetuate his own personal administration . . . ?”*

THE SUM OF THE PROS AND CONS...

- Consideration was being given to;
 - ... have the people elect electors;
 - This moderated local interests and passions by using the plurality popular vote of all the people in a region, and assigning it to a single electoral voter.
 - ... have the electors vote for candidates for executive office, with the winner being President and the runner-up being Vice President;
 - Congress would arbitrate ties, with the House determining the President, and the Senate determining the Vice President.
 - This could result in conflicts between the President and the Vice President

U.S. CONSTITUTION

- The Electoral College was established in Article II, Section 1 of the U.S. Constitution, paragraphs 2 and following.
- *2. Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.*
- *3. The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves... The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed...*

U.S. CONSTITUTION

- ... and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote...after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

CONSTITUTIONAL PROBLEMS

- Rather than having the President and Vice President politically aligned, they are elected by raw majority count of electoral votes.
- The number of candidates running for President could be substantial, resulting that there would not be a majority candidate. This led some to believe that Congress would always have to decide on who would be President.
- This could become more of a nomination of a list of candidates that it would be an election.

12TH CONSTITUTIONAL AMENDMENT

- For an excellent commentary on this, see <https://constitutioncenter.org/interactive-constitution/amendments/amendment-xii>
- 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;

12TH CONSTITUTIONAL AMENDMENT

- —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.

12TH CONSTITUTIONAL AMENDMENT

- And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death or other constitutional disability of the President.
- —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 of the United States.

23RD CONSTITUTIONAL AMENDMENT

- The District constituting the seat of Government of the United States shall appoint in such manner as 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.

OBJECTIONS

- Some advocates argue that the electoral college was originally established to help less-populated states retain power, or to have every part of the country heard from in electing a chief executive. Rep. Steve Cohen (D-Tenn.) claims the system was designed to help the slave states.
 - (See the three-fifths clause)
- The electoral college was designed with two purposes: to separate the branches of government in an attempt to avoid "cabals" and to prevent foreign corruption. Some of the Founding Fathers assumed it would almost never actually elect a president. In other words, we could say the electoral college failed to achieve most of what the founders designed it to do. [?]

OBJECTIONS

- Instead of multiple candidates running for the presidency as the Founding Fathers had expected, political parties quickly formed and presidential elections seemed to become one-on-one fights. The election of 1800 spelled doom for the original plan, resulting in an electoral college tie between Thomas Jefferson and his presumed running mate, Aaron Burr. The vote went to the House of Representatives (which took 36 ballots to elect Jefferson). The debacle led to the adoption of the 12th Amendment, which changed the vice president from a competitor and runner-up to (in most cases) a subservient running mate.

OBJECTIONS

- The electoral college did not succeed in warding off the creation of "cabals" — better known today as political parties. And as the 2016 election showed, foreign powers have been very happy to try to manipulate the election, and the current version of the electoral college did nothing to limit such behavior.
- The electoral college has moved up from its more humble beginnings as a potential nominating body to serving as the real selector of presidents.
- It's safe to say the electoral college is here to stay. But in accepting that, we shouldn't pretend as though the electoral college is part of some grand bargain that the founders enacted to balance the country. It's not. Instead, it's a relic of the 18th century that failed in some of its most important intended purposes.

OBJECTIONS

- Beto O'Rourke said Tuesday he sees "a lot of wisdom" in the idea. "I believe we need a constitutional amendment that protects the right to vote for every American citizen and to make sure that vote gets counted."
- Elizabeth Warren said at a CNN town hall ... "We can have national voting, and that means get rid of the Electoral College."
- While the controversial 2000 election was still being decided, Gallup found that 61 percent of Americans — including 73 percent of Democrats and 46 percent of Republicans — preferred amending the Constitution to elect the popular vote winner. Only 35 percent of respondents preferred the current system.

OBJECTIONS

- Reforming how the country elects presidents falls into the broad effort on the left to reform aspects of our electoral system, including voting access and how campaign finance works. But some who want reform believe abolishing the Electoral College should be a secondary goal.
- David Faris, a political scientist at Roosevelt University, who recently argued in his book "It's Time To Fight Dirty" that Democrats should be challenging the structural and legal boundaries of the American political system to better gain and hold power.
- As FiveThirtyEight has argued in the past, the system is not inherently biased against either party.

SHOULD WE ELIMINATE IT?

- *Don't take a fence down until you know the reason it was erected.* ~ G.K. Chesterton
- What objections to the Electoral College have been presented?
 - It's racist
 - Make every vote count
 - Small states should not have that much power
- Should the Electoral College be abolished or neutralized?

ACTIONS TO ABOLISH

- Constitutional amendment is required
 - Democratic Sen. Brian Schatz introduced a constitutional amendment (on 1 April 2019) to abolish the Electoral College and "restore democracy" by allowing for the president and vice president to be elected directly through the popular vote. (Cole)
 - A constitutional amendment would require approval by 2/3 majority of both houses of Congress, and ratification by 3/4 of the states. This is very unlikely to happen.

ACTIONS TO NEUTRALIZE

- National Popular Vote
 - The National Popular Vote bill would guarantee the Presidency to the candidate who receives the most popular votes across all 50 states and the District of Columbia. (National Popular Vote Inc)
 - It has been enacted into law in 15 jurisdictions with 189 electoral votes (CA, CO, CT, DC, DE, HI, IL, MA, MD, NJ, NM, NY, RI, VT, WA). The bill will take effect when enacted by states with 81 more electoral votes.
 - How would this impact the votes cast in each member state? Example: If the voters in a state voted for a Republican Presidential candidate, even overwhelmingly, and the majority of the national popular vote was for a Democrat, then the Electoral College votes would be assigned to the Democrat.

THE NATIONAL POPULAR VOTE

- What would a national popular vote look like?
- To understand the impact of a popular vote, it is interesting to understand the contribution of population density. To quote Thomas Jefferson; "When they get piled upon one another in large cities, as in Europe, they will become corrupt as in Europe."
- The following slides show some information about the impact of population density on the popular vote.
- Remember, when the majority wins, the minority loses its liberty.

THE NATIONAL POPULAR VOTE

- Votes by county and political party affiliation



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THE NATIONAL POPULAR VOTE

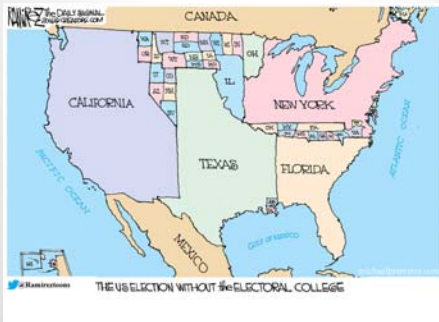
- In 2012, about the same number of votes were cast in these 160 red counties as were cast in the entire rest of the country.



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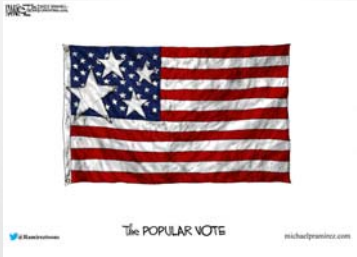
THE NATIONAL POPULAR VOTE



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THE NATIONAL POPULAR VOTE



NATIONAL POPULAR VOTE LANGUAGE

- Article I— Membership: Any State of the United States and the District of Columbia may become a member of this agreement by enacting this agreement.
- Article II — Right of the People in Member States to Vote for President and Vice President: Each member state shall conduct a statewide popular election for President and Vice President of the United States.
- Article III — Manner of Appointing Presidential Electors in Member States: Prior to the time set by law for the meeting and voting by the presidential electors, the chief election official of each member state shall determine the number of votes for each presidential slate in each State of the United States and in the District of Columbia in which votes have been cast in a statewide popular election and shall add such votes together to produce a "national popular vote total" for each presidential slate.

NATIONAL POPULAR VOTE LANGUAGE

- The chief election official of each member state shall designate the presidential slate with the largest national popular vote total as the "national popular vote winner."
- The presidential elector certifying official of each member state shall certify the appointment in that official's own state of the elector slate nominated in that state in association with the national popular vote winner.
- At least six days before the day fixed by law for the meeting and voting by the presidential electors, each member state shall make a final determination of the number of popular votes cast in the state for each presidential slate and shall communicate an official statement of such determination within 24 hours to the chief election official of each other member state.

NATIONAL POPULAR VOTE LANGUAGE

- The chief election official of each member state shall treat as conclusive an official statement containing the number of popular votes in a state for each presidential slate made by the day established by federal law for making a state's final determination conclusive as to the counting of electoral votes by Congress.
- In event of a tie for the national popular vote winner, the presidential elector certifying official of each member state shall certify the appointment of the elector slate nominated in association with the presidential slate receiving the largest number of popular votes within that official's own state.

NATIONAL POPULAR VOTE LANGUAGE

- If, for any reason, the number of presidential electors nominated in a member state in association with the national popular vote winner is less than or greater than that state's number of electoral votes, the presidential candidate on the presidential slate that has been designated as the national popular vote winner shall have the power to nominate the presidential electors for that state and that state's presidential elector certifying official shall certify the appointment of such nominees.
- The chief election official of each member state shall immediately release to the public all vote counts or statements of votes as they are determined or obtained.
- This article shall govern the appointment of presidential electors in each member state in any year in which this agreement is, on July 20, in effect in states cumulatively possessing a majority of the electoral votes.

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