

CHAPTER 2

Analyzing the Electoral College and Its Alternatives

Paul Schumaker, *University of Kansas*

TO CONSIDER HOW electoral reform would affect our politics, thirty-seven political scientists have been assembled to bring the theories and findings of their discipline to bear on the issue. In the chapters that follow, these scholars discuss and analyze how various proposed reforms would affect such things as:

- the role of states in our federal political system and the authority of state and national government in our lives;
- the legitimacy of whoever wins the presidency and his capacity to provide leadership in a separation-of-powers government;
- our two-party system, and the roles of third parties and interest groups within that system;
- the organization and conduct of presidential campaigns;
- media coverage of elections;
- the participation of citizens;
- the stability of our political system; and
- the capacity of minorities and other relatively powerless citizens to exercise more equal power in our political system.

Most prior discussion of the Electoral College has come through debates between those who would retain the system and those who would change it.¹ Ironically, Al Gore is reported to have been an active participant in such debates — and a vociferous opponent of the Electoral College — while in high school.² But Al Gore's approach is not our approach.

For this project, we sought to avoid those political scientists who have participated in such debates and whose position on the issue seemed clearly entrenched.³ This was not difficult. During the prolonged election of November (and December) 2000 we were struck by both the diversity of political scien-

tists' views on the Electoral College and their lack of firmness in these views. The contributors to this volume fit this description.⁴ They teach and have conducted some of the discipline's most important research on specific aspects of our political system (e.g., federalism, the presidency, political parties). They are experts on how different aspects of our political process work. They are more interested in analyzing how various electoral reforms would affect the political system than with defending some preestablished position.

Like most Americans, these contributors began the project with some opinions about the Electoral College and various alternatives to it. In a preliminary expression of these opinions — retaining the Electoral College, reforming it in some manner, and abolishing it — each received substantial numbers of “approval votes” from the participants in the project.⁵ Retaining the Electoral College without any modification was the first preference of eleven of our participants and the last choice of at least three.⁶ Each of the reforms that we shall consider was the first choice of at least one of the thirty-seven participants, and at least a quarter of the participants thought they could support each alternative. In short, our analysis did not begin with people united in their commitment to a particular position.

Thus, in conceiving this book, we did not know what our conclusions would be, but we were confident that important conclusions would emerge. As our contributors engaged in dialogues among themselves, they identified some of the most important effects or implications of reform on various aspects of our political system. These findings are the basis for our ultimate conclusions — reported in chapter 12 — regarding the desirability of the Electoral College and alternatives to it.

How did we decide which system(s) to endorse? We voted, employing electoral methods that are presented in this book. We cast our ballots under ideal conditions that are generally not available to the American electorate in voting for the president. First, our votes were informed by extensive deliberations and conclusions about the implications of electoral reform, as provided by our disciplinary expertise. Second, we cast our votes in ways that allow the most accurate aggregation of our views and preferences as possible. By casting “approval ballots” and by indicating our preferences through a “Borda count” — by indicating which alternatives are ultimately supported (or not) by each participant and by having each person provide a rank-ordering of their ultimate preferences — we have been able to aggregate our preferences in various ways to yield our collective judgment.⁷ As a result of our final votes and the deliberations that preceded these votes, we can indicate the degree to which we support or oppose alternative electoral systems and explain the basis for our views.

In the remainder of this chapter, we describe the Electoral College and its most important alternatives. We then consider two alternative methods for analyzing different electoral schemes. We show that a deductive mode of analysis —

a mode used by public choice theorists — demonstrates that there is no one best method for selecting a president. We argue that this finding means that the best approach to evaluating electoral reform is to use the inductive mode of analysis presented here. The best way to think about electoral reform is to ask about its implications for how our political system works.

THE ELECTORAL COLLEGE

As presently practiced, the Electoral College aggregates votes in two stages. The first stage comprises popular votes in each of the fifty states and Washington, D.C. Except for Maine and Nebraska, which use congressional districts to choose electors, the candidate getting a popular plurality in each state wins all the electoral votes that constitutional provisions grant.⁸ The second stage consists of a national count of the electoral votes won by candidates in each state. If one candidate gets the majority of the electors in the College, that individual becomes president.

Each state receives the same number of electors that it has senators and members of the House of Representatives. Of course, each state has two senators and the number of representatives that is proportional to its population. Since almost 12 percent of all Americans live in California, that state has 52 (12 percent) of the 435 members of the House. Since less than 1 percent of all Americans live in Kansas, that state has 0.9 percent (4) of all House members. California thus has 54 electoral votes at stake in the popular vote for president, while Kansas has 6. In the election of November 2000 Al Gore won the California popular vote, so 54 electors from California cast their votes for Gore, while the 6 electors from Kansas cast their votes for Bush, the popular winner in that state.

There are a total of 538 electors, with 100 based on the composition of Senate and 435 dependent on the composition of the House. The remaining 3 come from the District of Columbia under the Twenty-third Amendment to the Constitution (1961). The Constitution requires the winning candidate to amass a majority (270 votes) in the Electoral College. Bush collected 271 electoral votes; if he had won two fewer votes and Gore two more, each would have had exactly 50 percent of the electoral votes, not a majority. Had this been the case, a third stage in the electoral process would have kicked in: the House contingency election as provided for in the Constitution.

In this instance, the results of the state-by-state popular votes and the national Electoral College vote would have been set aside, except for the fact that the House of Representatives would have to decide among the three candidates with the most electoral votes. During a House contingency election, each state has one vote, and the winning candidate needs a majority of the states' votes. This procedure has not been required since 1824 when the Electoral College vote was split four ways, and the House finally selected John Quincy Adams over Andrew Jackson (the leader in both popular and elector votes cast). Had the House

contingency procedure been used because of the failure of the Electoral College to yield a majority in 2000, Bush probably would have prevailed because Republicans had majorities in twenty-seven of the state delegations in the House of the new 107th Congress.⁹

This general description of the Electoral College mixes constitutional provisions with historical adaptations and ignores some troubling possibilities. In the remainder of this section, we provide some historical details to fill in this sketch. Chapter 3 provides a more thorough assessment of the founding and development of the College.

Our founders adopted the Electoral College as a compromise between two alternative methods for selecting the president. Initially, some delegates to the Constitutional Convention wanted Congress to select the president, while others favored a direct popular election. But those who wanted a president independent of the legislative branch and thus a greater separation of powers opposed congressional selection. Meanwhile, those who feared that this method left less populous states with an inferior role in presidential selection opposed a direct popular vote. As the Constitutional Convention proceeded, the founders established a "Committee of the Eleven" to work out an acceptable compromise for selecting the president. The method they proposed, centering on the Electoral College, won broad acceptance.¹⁰ Little debate or controversy surrounded their proposal, which led to Alexander Hamilton's famous verdict about it: "The mode of appointment of the chief magistrate of the United States is almost the only part of the system, of any consequence, which has escaped without severe censure. . . . I venture somewhat further and hesitate not to affirm that if the manner of it be not perfect, it is at least excellent."¹¹

The founders anticipated that the Electoral College would work as follows. Unlike Congress, the College would be an ad hoc and dispersed body, constituted by different members every four years. It would never convene collectively. Rather, state delegations would meet within their states, deliberate among themselves, and vote as individual electors. Such geographical dispersion would prevent national cabals or foreign powers from tampering with the selection process. State legislatures held the power to determine the method for selecting the electors. Some legislatures might directly choose electors, but others, in states where populism was strong, might select electors through a popular vote. However selected, the founders assumed that the electors would be prominent citizens, though not federal officials (such as members of Congress). They also expected the electors to vote for a variety of prominent individuals. Though it was generally presumed that George Washington would be named president by most electors in 1788, as he was, the founders thought it unlikely that subsequent nominees would obtain a majority of the electoral vote. Because parties did not yet exist, electors could not simply choose among the leaders of a few parties. Instead, the founders assumed that the electors would exercise independent judgments

about who, among notable figures, was most qualified to serve as president. They would normally distribute their votes among several experienced leaders, with no one person gaining a majority of electors. The House contingency process was thus thought to be far more vital than it has become. In short, the founders expected that the Electoral College would nominate various candidates for the presidency to the House. The Constitution originally specified that the top five vote-getters in the Electoral College would be the nominees from which the House would make its selection, but the Twelfth Amendment, adopted in 1804 to remedy some of the difficulties that occurred in 1800, reduced this number to three.¹² Still, the House would make the ultimate selection. Again, each state delegation would have one vote, and a candidate would have to attain the votes of a majority of states to be selected as the president.

This procedure was a deft compromise in several ways. It gave the large states more electors in the College, which might allow them to dominate the nomination process. But it provided small states both a bonus in the Electoral College and equal power in the final House determination. Congress gained a role in the selection process, but could not impose its will in the determination of the president. The process allowed for the possibility of popular election selection of electors, but it created several barriers that would prevent some popular demagogue from ascending to the presidency.

Several developments changed how the Electoral College now works — indeed, how it has worked throughout most of the past two centuries. First, congressional caucuses and then mass-based party organizations arose to support particular nominees and electors pledged to their candidate. Between 1796 and 1828, parties increased their role in selecting electors, which resulted in choosing electors who were pledged and faithful party members, not persons exercising their independent judgments. Second, the development of a two-party system with partisan electors meant that the Electoral College vote was normally decisive; as the candidate of one party received the required majority of electoral votes, the House contingency procedure became dormant, unused since 1824. Third, the spread of democratic norms and practice (such as the expansion of the electorate) during the first half of the nineteenth century resulted in states increasingly choosing electors by popular vote. Fourth, by 1836 each state had adopted a “winner-take-all,” or unit rule, for determining electors. Parties that dominated state politics understood that the unit rule could shut out the minority party and thus deliver *all* of the state’s electors to their party’s candidate. States also realized that when their electors were unified they were more decisive in determining the outcome of the Electoral College vote and were more important in the victor’s political coalition.¹³

These developments have resulted in the electoral college system that operates today. Popular votes are aggregated in each state; the candidate with the most votes in each state gets all of the electors of that state (save in Maine and Ne-

braska), and the candidate with the majority of electors in the College becomes president.

REFORMING THE ELECTORAL COLLEGE

There have been numerous proposals to retain but reform the Electoral College.¹⁴ Retaining the Electoral College means that each state still would have a role to play in presidential elections and would have electors equal to its total number of senators and representatives; small states would thus retain their disproportionate representation in the College. We will focus on three possible reforms.

The most frequently discussed Electoral College reforms propose altering the unit rule that gives all a state's electors to the candidate with the most popular votes within the state. One such reform would determine electors within each congressional district. Another reform would allocate a state's electors in proportion to the candidates' popular votes within the state. A third reform would address the problem that arises when the winner in the Electoral College is a candidate other than the winner of a national popular vote. This reform, "the national bonus plan," would retain the Electoral College, but would give an extra 102 electoral votes to the candidate with the most popular votes overall, practically ensuring that there would be no discrepancy between the outcome in the Electoral College and the popular vote.

Of course, there have been other proposed reforms of the Electoral College. For example, some people have called for "automatic" electors that would eliminate the possibility of a "rogue" or "faithless" elector casting a vote for a candidate other than the one to whom she is pledged. Some proposals have also called for eliminating or changing the House contingency procedure. In framing the issue of electoral reform, we deliberately excluded such reforms from our immediate agenda. To keep the project manageable, we examine only briefly in our concluding chapter the implications of having automatic electors or of abolishing the existing House contingency procedure.

The District Plan

One reform would have other states adopt the district plan used in Maine since 1972 and in Nebraska since 1992. If this plan were adopted nationally, each state would have popular elections resolved by plurality rule in each congressional district, as well as a statewide popular election decided by plurality rule. The winner of the popular vote in each district would get one electoral vote, and the winner of the statewide popular vote would receive two such votes (corresponding to the electoral votes provided to each state because of its senatorial representation). Advocates argue that this plan would increase representation by allowing minority interests that have little hope of winning at the statewide level but who are concentrated in certain geographical areas to have their preferences advanced in the Electoral College.

Analyses find that the nationwide implementation of the district plan would have resulted in Nixon defeating Kennedy in 1960 and in an Electoral College deadlock between Carter and Ford in 1976.¹⁵ One estimate suggests that the district plan would have led to a Bush victory over Gore, 288 to 250, in the 2000 election.¹⁶

Proportional Allocation

A related reform would also eliminate the unit rule for states, but it would ignore congressional districts and allocate electors proportionate to the votes a candidate received in each state. In a state with 20 electoral votes, if three candidates split a state's popular vote, say, 50–40–10, the one with 50 percent would get 10 electoral votes, the one with 40 percent would receive 8 electoral votes, and the candidate with 10 percent would get 2 electoral votes. In practice, the proportions would not work out so neatly, and practical questions would emerge as to how to deal with fractions (and perhaps small percentages.)¹⁷ Some proportional allocation schemes fractionalize automatic electors, meaning that proportionality would be calculated to, say, one-tenth of an elector. For example, a candidate getting 25.5 percent of the popular vote in a state with 30 electors, would, under strict proportionality, be entitled to 7.65 electors, which would be rounded to 7.6 (or 7.7) electors. As this example shows, fractionalizing electors may minimize rounding errors but it does not eliminate them, as rules for rounding off would still be required. In Europe, many allocation rules have been studied and utilized for dealing with this problem.¹⁸ Rather than address the complexity of these rules, we can simply propose that electors be allocated in proportion to popular votes received throughout the state with rounding decisions favoring the candidate(s) with the largest number of votes.

Like the district plan, the proportional allocation plan wins backing from those who seek enhanced representation of minority interests. Indeed, proportional allocation may better represent minorities spread throughout a state. For example, Green Party voters may comprise 15 percent of a state's electorate but lack sufficient concentration in any one congressional district to win electors under the district plan. However, if the Green Party got 15 percent of the vote in a state with 7 electors, it would be entitled to one elector, and it would thus be represented in the Electoral College.

Because different proportional allocation rules can produce different outcomes, we cannot be sure who would have won the 2000 election under proportionality procedures. If we allocated votes by rounding to the whole elector in favor of the candidate with the most votes within each state, Bush would have defeated Gore, 271 to 264, with Nader getting 3 electoral votes. Rounding to the tenth of an elector, always favoring the candidate with the most votes in a state, the electoral vote tally would have been Bush 260.9, Gore 259.1, and Nader 13.8,¹⁹ and the House would have named the president.²⁰

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The National Bonus Plan

Unlike the first two reforms, this recasting of the Electoral College would retain the winner-take-all provisions adopted by most states. There would still be 538 automatic electors casting ballots on the basis of popular elections in the fifty states and the District of Columbia, but there would also be a national popular contest. The winner of the national popular vote on Election Day would get all 102 bonus electors, which would be almost one-third of the 321 electoral votes needed to get a majority of the 640 electoral votes in the expanded College.²¹ By winning the popular vote, Gore would have accumulated 368 electors, for a decisive victory in the 2000 election.

Like the district and proportional allocation plans, this scheme seeks to democratize the Electoral College, but its conception of democracy focuses less on representation of diverse interests and more on achieving popular sovereignty. In effect, the bonus plan is a barely disguised version of the popular plurality procedure. The bonus plan ensures that “the popular will,” indicated in the national popular vote, will prevail. But by preserving the Electoral College, it arguably maintains some of the positive consequences of that system as well.

ABOLISHING THE ELECTORAL COLLEGE

A more direct approach to achieving popular sovereignty in the election of the president is simply to abolish the Electoral College and adopt a national popular vote. If the fundamental flaw of the Electoral College is the possible mismatch between the popular vote and the electoral vote, then the obvious solution is to abolish the electoral vote in favor of some scheme of counting popular votes. Three popular voting schemes for aggregating votes throughout the nation are considered here.

A National Popular Vote with Plurality Rule

Under this “popular-plurality” system, across the country citizens would cast their ballots for one candidate (and a running mate). The candidate with the most votes wins. Just as county borders are irrelevant when states choose their governors through elections with plurality rule, state borders would be irrelevant to our national presidential election. Proponents of this system claim that it works well in state gubernatorial races,²² that it counts all votes equally, and that it provides popular sovereignty by reaching decisions based on the dominant views of citizens.

With a margin of about 540,000 in the popular vote, Gore would have won had this system been in place in 2000. Of course, this assumes that nothing but the outcome would have changed under the popular plurality system. But, as we shall see, many other changes — such as a much more extensive array of candidates on the ballot — would likely accompany adoption of this electoral rule, and outcomes cannot be easily predicted.

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A National Popular Vote with a Majority Rule

One criticism of conducting popular votes with the plurality rule is that a proliferation of candidates could lead citizens to scatter their votes widely. The highest vote-getter could win despite receiving only a small percentage of the vote. Fears that a president could not govern effectively if supported by only, say, 25 or 30 percent of the voters has led some reformers to suggest that a runoff election be held between the top two vote-getters if neither receives a certain percentage of the vote. Typically, 40 or 45 percent is proposed as the necessary threshold.²³ A national popular vote with a majority rule — the “popular-majority system” — is a variant of such a reform proposal. Here voters would again cast a single vote for any candidate in a presidential election, but if no candidate received a majority (50 percent plus one) in the initial balloting, a second election, limited to the top two vote-getters, would be held in about a month. We adopt the 50 percent threshold for an initial election because of the importance of “majority rule” in democratic theory and because, for analytical purposes, this threshold clearly differentiates this proposal from the plurality proposal. On seventeen occasions in American history, no candidate won a majority of the popular vote, so runoff elections would probably be common under this procedure. Indeed, the existence of these rules could encourage European-style elections. Many candidates and parties would contest the initial balloting, with parties forming broader political coalitions in advance of the runoff.

Since neither Gore nor Bush had a majority of the popular vote in 2000, they would have competed directly against each other in a runoff. Nader voters might have switched to Gore in the runoff, leading to his ultimate victory, but such a prediction is highly problematic. We cannot know which candidates and parties would have emerged if this system were in place, or what deals would have been cut between the leading and defeated candidates. Moreover, different sets of voters go to the polls in the first and second rounds of voting.

Despite such uncertainties, a national popular vote with a majority rule has real attractions. It would again ensure that all votes count equally and it would also enhance popular sovereignty. In addition, the ultimate winner could claim a majority mandate.

A National Popular Vote with Majority Rule in an Instant Runoff

This variant on the above popular majoritarian proposal — known as the “single-transferable vote” or “alternative vote” method in the comparative electoral systems literature — may have sufficiently distinct implications to merit consideration as a separate proposal.²⁴ Under this method, voters would be asked during a single election to rank-order their presidential preferences, rather than simply to indicate their first choice. Most instant-runoff proposals allow voters to indicate their first, second, and third choices. The top choices of all voters are initially counted, and if one candidate gets a majority, he or she wins. But if no one gets a

majority, computer technology “instantly” recalculates the results in the following manner. The candidate getting the fewest first-place votes (probably a regional or fringe party candidate in the American context) would be dropped from consideration, and that candidate’s votes would go to the second-ranked candidate. If this reassignment of votes did not result in one candidate receiving a majority, the process would be repeated. The candidate with the next lowest first-place votes would be eliminated, and the votes for that candidate would be transferred to the second (or third) ranked candidate on ballots cast for the eliminated candidate(s). This process would be repeated until one candidate achieved a majority.

Proponents of this method claim that it has benefits beyond saving the costs of conducting a second runoff election and avoiding “voter fatigue.” They claim this method enables voters to express their genuine preferences for candidates who emphasize causes and issues that some voters strongly support but who have little chance of winning. Enabling voters to indicate their second choice, which will be counted if their first choice is eliminated, allows citizens to avoid the dilemma of being a “sincere” or “sophisticated” voter. A sophisticated voter would calculate that his sincere first choice (for example, Ralph Nader and the Green Party) has no chance of winning. Without the rank-order ballot and the single-transferable voting method, the voter might put aside his genuine preference for Nader and vote for his second choice (e.g., Gore). He would prefer Gore to Gore’s strongest competitor (e.g., Bush) and fear that sincere voting would sufficiently reduce votes for his second choice that his least preferred candidate would be elected. With the rank-order ballot and single-transferable voting method, the voter would have his second (or third) choice counted in the event that his sincere preference is eliminated. Proponents argue that democracy is enhanced by procedures that encourage voters to express their genuine preferences.

The questions at the center of this book can now be stated more precisely. The question of whether the Electoral College should be reformed requires us to ask whether schemes involving the district plan, the proportional allocation of electors, or the national bonus plan are improvements on the existing Electoral College. Similarly, the question of whether the Electoral College should be abolished requires us to consider whether a national popular vote with a plurality, a national vote with majority rule and possible runoff, or a popular vote with an instant runoff are beneficial alternatives to the Electoral College.

SEARCHING FOR “THE BEST” VOTING SCHEME

A science of politics might aspire to know the one best political system. At least since the influence of Descartes in the early seventeenth century, modern political theory has sought to understand the one best system through a deductive mode of analysis. Certain underlying assumptions or axioms are said to be self-evident (or at least compelling), and the system consistent with these assumptions is deduced to be the best system. Perhaps the most impressive of such endeavors have

been the works of Hobbes and Rawls,²⁵ but neither of these deductive models achieved its objective: a political system so compelling in its deductive logic that all thoughtful people would agree that it was the one best system.

A science of politics might, nevertheless, know the one best electoral system, or even more modestly, establish the one best method of counting votes. The theory of public (or social) choice is the branch of political analysis that has focused on this question, and public choice theorists have employed the same deductive methods employed by grand theorists and philosophers seeking answers to larger questions about the best political system and the most just society. This work, which can be highly technical, leads to some powerful claims about how voting procedures ought to be designed.²⁶ For our purposes, one conclusion of public choice theory is especially important: no method of aggregating votes satisfies all reasonable assumptions of a fair voting process. This conclusion is clearly expressed by William Riker, perhaps the best-known public choice theorist in political science.

If a voting system is to be really fair, more than two alternatives must be allowed to enter the decision process; a decision method must be able to operate on three or more alternatives, but no one method satisfies all the conditions of fairness that have been proposed as reasonable and just. Every method satisfies some and violates others. Unfortunately, there are, so far as I know, no deeper ethical systems or any deeper axioms for decision that would allow us to judge and choose among these conditions of fairness. Hence there is no generally convincing way to show that one decision method is truly better than another.²⁷

Indeed, Riker concludes that election results are often “meaningless” because “often they are manipulated amalgamations rather than fair and true amalgamations of voters’ judgments and because we can never know for certain whether an amalgamation has in fact been manipulated.”²⁸ For example, Al Gore’s lead in the popular vote may have been “manipulated” in the sense that the broader rules and practices governing American presidential elections screen out numerous candidates whom many voters prefer. Thus, voters have little choice but to cast ballots that do not allow them to express their true preferences. Had the rules governing primaries and party nominations not eliminated many candidates and had campaign practices not deterred other candidates, Gore probably would have received significantly fewer popular votes (as would have Bush). In short, electoral rules limited voter choices and ensured that someone “won” — in actuality the “winner” simply survived the rules and procedures; he was not a “true public choice.”

Public choice analysis thus led Riker to conclude that populist voting methods are without foundation and can even be dangerous because the winners of popular elections erroneously believe that their programs reflect the true will of the people. He maintains that “populism reinforces the normal arrogance of

rulers with a built-in justification for tyranny, the contemporary version of the divine right of rulers.”²⁹

In summary, while the question of “how should we add up votes?” seems like a mathematical question that can be resolved with mathematical certainty, public choice analysis shows that there is no such solution. Not only is there no one best, most fair method of adding up citizens’ votes to determine what “the will of the people” is — *there is no “will of the people” independent of the methods used to represent it.*

We agree that Riker is correct to point out that a justification for popular elections cannot be found in deductive arguments that such elections enable us to select presidents who are “the will of the people.” But we disagree that this settles the question of the desirability of direct popular election of the president. The justification for popular elections is not that such elections are the best method of knowing the “true will of the people.” The justification for popular elections — to the extent that they can be justified — is that such elections lead to preferred outcomes about the broad functioning of the political system.

CHOOSING AMONG IMPERFECT SYSTEMS

As political theorist Herbert Storing pointed out during earlier debates over the Electoral College, there are two ways of thinking about and choosing among alternative electoral systems.³⁰ First, we can begin with a priori principles (e.g., having votes count equally and having counting systems that meet logical criteria for fairness). The limitations of this approach should be apparent from our discussion of social choice theory. This leaves Storing’s second approach, which asks us to inquire about the outcomes and likely implications of different systems. How does the Electoral College affect the working of the American political system? And how would various reforms and alternatives to the Electoral College alter its operation? From this analytical perspective, one or more systems of popular election may offer significant improvements to political life that commend them over the Electoral College, even though these systems cannot base their desirability on consistency with an a priori principle such as ensuring the election of presidents who reflect “the will of the people.”

Utilitarianism is the name philosophers give to a mode of analysis that judges institutions — in this case, electoral systems — by their consequences. Early “philosophical radicals” such as James Mill believed that utilitarianism justified many expansions of democracy, with reforms like universal suffrage and frequent elections that prompted political leaders to be more responsive to the will of the people. Such reforms maximized the pleasure and minimized the pain of citizens in the political system.³¹ Perhaps a utilitarian analysis here would show that the reform or abolition of the Electoral College is an important next step in our progression toward a more democratic political system. But Mill’s son, John Stuart, understood that utilitarianism could never permit a precise calculation of whether

the consequences of reform enhanced or reduced overall utility. For John Stuart Mill, utilitarianism was merely an analytical tool that directed attention to the consequences of change and whether these changes could be judged beneficial.³² Because an (electoral) reform may have some consequences that seem desirable, other consequences that seem undesirable, and still other consequences that provoke different judgments among people holding different values, utilitarian analysis is not likely to produce a consensus that such a reform serves the public welfare. It is also unlikely to produce a consensus about which reform is best. Nevertheless, utilitarian analysis can allow for better judgments about these questions because it can establish that some feared consequences either have little basis in fact or theory or that they would be relatively inconsequential. Conversely, substantial consequences can be demonstrated. Judgments based on such deliberations about consequences may be the best sort of understanding that can be provided when assessing political matters in which the ultimate truth of their goodness remains unknown.³³

Adequate utilitarian analysis must not omit consideration of potentially important consequences so adopting a broad analytical framework is important. Many arguments for retaining the Electoral College are narrow because they stress the importance of a particular beneficial consequence that the system is thought to produce. For example, the Electoral College is often defended because it requires candidates to "win states in more than one region of the country," thus forcing them to "build crossnational political coalitions" that enhance their ability to govern because of their broad crossnational support.³⁴ Many reform arguments are also narrow, stressing a particular change that the reform might lead to. For instance, electing the president by a popular national vote with an instant runoff is predicted to encourage third parties to prosper without giving them the role of spoilers.³⁵ Such single arguments are important but not decisive because they must be assessed along with other potentially important consequences of these electoral schemes.

Because the Electoral College and its alternatives have been widely discussed, broad categories of potential consequences can be developed and catalogued. This book is organized around eight types of consequences; the categories cover the major effects that reforms might produce.

One category of consequences addresses issues of federalism. The Electoral College provides a role and identity for the fifty states in the presidential election system. Are there important consequences for basing presidential selection on votes cast by state-designated electors rather than on popular votes cast throughout the nation? How would various Electoral College reforms and alternatives affect the role of the states? Would national popular vote schemes create a greater national focus and a lesser state and local focus to our political life? Federal considerations may weigh strongly in favor of retaining the Electoral College, but assertions about the effects on federalism may be overdrawn, and normative judg-

ments about the relative importance of state authority versus national authority remain problematic. In chapter 4, Don Haider-Markel, Mel Dubnick, Richard Elling, David Niven, and Paul Schumaker assess the implications for federalism of the Electoral College and alternatives to it.

Another category of consequences deals with the working of our national governmental institutions. Having a president whose legitimacy is widely accepted may be essential to the effective operation of our government. Does the Electoral College do an adequate job of providing the president with legitimacy? Would alternatives to it enhance or threaten presidential legitimacy? American national government is structured on the principle of separation of powers. Is the Electoral College or some alternative most compatible with this institutional arrangement? Given the separation of powers, what electoral system encourages the effective operation of the U.S. government? Moreover, political parties and interest groups affect the functioning of our national institutions. Does the Electoral College help parties play a positive role in our political system, or would an alternative electoral scheme enable them to do better in connecting our political leaders to each other and to the public? Do particular electoral systems enable excessive interest-group influence over the president and Congress? In chapter 5, Burdett Loomis, Jeffrey Cohen, Bruce Oppenheimer, and James Pfiffner discuss such issues.

A third category of consequences involves the operations of parties and interest groups. Received wisdom holds the Electoral College at least partially responsible for our decentralized two-party system in which both Republicans and Democrats emphasize issues that appeal to broad arrays of citizens and groups.³⁶ Alternative electoral arrangements might lead to stronger national parties, with diminished autonomy at the state and local levels. Electoral reform could also encourage greater prominence for third parties in both elections and governance. If a multiparty system were to develop under some alternative electoral system, parties would likely become more narrow and ideological. Appealing to specific interests (e.g., the Christian Right) and sectional groupings, they might cease to be the pragmatic, nonideological bodies that have historically characterized our party system. Although these implications seem to weigh in favor of retaining the Electoral College, we must realize that these claims may be overstated; the characteristics of our party system may be determined by other factors, including the political culture and the rules that govern most other American elections. In addition, the Electoral College may weaken our parties. An example of this is a minority party's relative inactivity in states with histories of strong support for candidates of the other party. Furthermore, the Electoral College may have enabled entrenched interests to dominate both the Democratic and Republican parties: electoral reforms might allow new parties representing emerging popular concerns to compete more effectively in presidential elections. Electoral reforms might also change the nature of our interest group system, for example, by en-

couraging some interests to pursue their agenda through third parties rather than by their connections with a major party. Thus, reforming or abolishing the Electoral College could alter the role and power of various interest groups in our political life. Such matters are considered in chapter 6 by Allan Cigler, Joel Paddock, Gary Reich, and Eric Uslaner.

Other possible consequences of electoral reform concern campaign strategies and organizations. Presidential campaign organizations exist to obtain and expend resources in ways that persuade and mobilize voters to support their candidate. The Electoral College is responsible for encouraging campaigns to spend their resources in a highly unequal manner, focusing their resources on large, competitive swing states. Reforms that diminish the strategic importance of such states might encourage campaign organizations to distribute their resources more evenly, since voters everywhere would be equally important. But electoral reform could have even more profound implications for waging political campaigns in America. The Electoral College arguably encourages presidential candidates to develop increasingly broad coalitions of political support as the campaigns progress. Large numbers of presidential hopefuls contest the early primaries, and many of these candidates craft their appeals toward a loyal but fairly narrow segment of the electorate (e.g., pro-life Republicans). As the November general election approaches, however, the two major-party candidates widen their political coalitions to appeal to a much more extensive array of citizens and interests. Electoral reforms could alter this dynamic, providing incentives for campaigns to bypass the primaries and carry their more focused appeals into the general election. The implications of electoral reform for how electoral and even governing coalitions are built could be enormous. These concerns are addressed by William G. Mayer, Emmett H. Buell Jr., James E. Campbell, and Mark Joslyn in chapter 7.

Debates about the merits of electoral reform have seldom focused on how such reforms might influence media coverage of campaigns and how campaign messages are communicated to voters, but some potentially interesting questions arise. Many academic observers of the media decry the journalistic focus on "the horse race" (who is winning and the strategies adopted by campaigns to win) rather than on more substantive matters such as candidates' positions on major issues, their ideological orientations, and their prospective ability to govern. The question thus emerges as to whether the electoral college system encourages such horse-race coverage and whether reform would lead the media to do a better job. Television networks might become increasingly influential under national popular vote schemes, and the role of local newspapers could be diminished as statewide electoral-vote contests receded in importance. Media coverage of election night would seem one of the more likely areas to be affected by electoral changes, as the network's practices of declaring state-by-state victories would be altered under national popular voting schemes. However, it is not clear that elec-

toral reforms would change the desire of the networks to "call the election" as early as possible. Perhaps no Electoral College reform could eliminate the likelihood that the networks will repeat the botched declarations of who won, even before the polls have been closed. Such matters are discussed in chapter 8 by Matthew Kerbel, Michael Cornfield, Marjorie Randon Hershey, and Richard Merelman.

Advocates of popular election systems stress possible impacts on citizenship. Organizations such as the League of Women Voters see the Electoral College as contributing to low levels of citizen efficacy and participation, especially in noncompetitive states.³⁷ Even when national elections are closely contested, in noncompetitive states the results often seem preordained, which leads to less citizen participation in campaign activities and reduced voter turnout. Advocates of popular elections contend that such contests would give party leaders in noncompetitive states greater incentives to turn out their voters, who would contribute directly to national vote totals. If the Electoral College really has such impacts, remedies might be found in several of the proposed reforms to it, as well as in proposals for direct national votes. But the role of the Electoral College in dampening voter turnout remains questionable, as citizens' decisions about whether or not to vote may flow from myriad other factors unrelated to the electoral system. Moreover, serious questions exist as to whether increasing voter turnout is important or beneficial to democracy. Perhaps high levels of voter turnout is important to increasing citizen trust in government and encouraging governmental attentiveness to all citizens, not just the particular kinds of citizens that are most apt to vote. Still, the marginal voter mobilized by alternative electoral systems might well be relatively uninformed and susceptible to manipulation. Conversely, the nonvoter may be no different from the voter on most important political dimensions, meaning that there would be few appreciable consequences to increasing voter turnout. In chapter 9, Robert M. Stein, Paul Johnson, Daron Shaw, and Robert Weissberg address these issues.

Casual observations of voting history in the United States and in other countries suggest that transitions of authority, especially in societies without established democratic rules, frequently occur in times of social and political instability. One virtue of democracy is that counting ballots, rather than crushing skulls, is the most peaceful method of achieving political change yet discovered.³⁸ But not all democratic elections are conducted free of turmoil. Defenders of the Electoral College note that the United States has experienced the longest stable democracy in history. Alexander Hamilton anticipated this result when he defended the Electoral College as being designed "to afford as little opportunity as possible to tumult and disorder."³⁹ In American history, winners within the electoral process and the constitutional process itself have been accepted when close elections have produced presidents who did not win the popular vote. Whether such stability has occurred because of, or despite, the Electoral College is unclear.

Answering this question calls for a cross-national examination of the causes of instability associated with elections. For example, instability might be likely when there is evidence or suspicion that election fraud has occurred. Likewise, the election of extremist candidates or their inclusion in governing coalitions might breed instability. Different electoral systems may affect the probability that instability will materialize. For example, the Electoral College could diminish the prospects of an extremist candidate winning office, while a popular vote under plurality rules might enhance such a prospect. Likewise, various electoral systems may have different capacities for handling threats to stability such as fraud. Some scholars believe that the electoral college system is particularly effective at enabling the detection of fraud and localizing its effects, but other systems could be just as (or more) effective on this front. To address questions about the implications of electoral reform for stability, chapter 10 provides the views of three political scientists who have studied governmental and social instability throughout the world: Erik Herron, Ron Francisco, and O. Fiona Yap.

A final yet especially important implication of electoral reform concerns the “fairness” of the Electoral College and alternative systems. The broad question here is whether particular systems contain “built-in advantages” that favor one group over another.⁴⁰ For example, the Electoral College is said to confer a special advantage on citizens of small states by allocating two electors to each state regardless of their population. The presence of such a built-in advantage is not necessarily unfair if it is part of a broader agreement devised to produce a stable political system. Thus, defenders of the Electoral College can at least argue that there is nothing unfair about that system’s built-in advantage for small states.⁴¹

Other built-in advantages may be more justifiable to the extent that they *should* be part of a broader social agreement for producing a well-ordered and just society. In one of the most important works of contemporary political philosophy, John Rawls presented a theory suggesting that an unequal distribution of voting power is fair if the inequality benefits those groups normally having little political power.⁴² If the poor and racial minorities are otherwise underrepresented and relatively powerless in the political system, it may be fair if the method of electing the president provides them with some systematic advantage. Strangely enough, the Electoral College may do just that. Because the poor and racial minorities are concentrated in the larger competitive states that are most important to presidential candidates, they may be especially responsive to these voters.⁴³ But is this proposition correct? Would an alternative electoral system be more fair to minorities and the poor? In chapter 11, these questions are examined by Robert L. Lineberry, Darren Davis, Robert Erikson, Richard Herrera, and Priscilla Southwell.

When thinking about electoral reform in counting presidential votes, the merits and liabilities of the existing electoral college system must be given special attention. Before recommending that we reform or abolish the Electoral Col-

lege, it is important that the institution be fully understood. Beyond knowing its formal features, we should know the intentions of those who created and refined these institutions. What were their ideals regarding an effective government? Was the Electoral College a central institutional device for achieving these ideals or was it merely a “jerry-rigged improvization”⁴⁴ to avoid deadlock over the broader constitutional framework? How has the Electoral College evolved, and what lessons can we learn from previous efforts to amend and change the system? Political theorists are especially concerned with understanding our institutions and ideals in historical context, and their judgments are especially important in assessing the success or failure of the Electoral College in providing smooth transitions of power, even in situations where the public is deeply and closely divided. Four political theorists — Donald Lutz, Philip Abbot, Barbara Allen, and Russell Hansen — address these issues in the next chapter.

NOTES

1. See, for example, Gary Rose, *Controversial Issues in Presidential Selection* (Albany: State University of New York Press, 1991), 203–26; and Judith A. Best, *The Choice of the People? Debating the Electoral College* (Lanham, Md.: Rowman & Littlefield, 1996).
2. Robert Hardaway, *The Electoral College and the Constitution: The Case for Preserving Federalism* (Westport, Conn.: Praeger, 1994), ix.
3. The participants are not a random sample of political scientists. We began by discussing the project with our colleagues at the University of Kansas and some of our acquaintances in the larger discipline. As they indicated interest in the project, they suggested and sometimes recruited others whom they thought especially knowledgeable and insightful about the issues raised. In such a process of selection, it turned out that eight of our participants have previously written on the Electoral College. For the most part, their writings can be described as descriptive and explanatory, rather than prescriptive and evaluative. Those who previously had written on the College were evenly divided in their attitudes about it.
4. Only six of our participants indicated that they were “firmly committed” to their position on the Electoral College prior to their involvement in the project.
5. Approval voting allows people to support more than one alternative. Thus, many participants said through their ballots that they could support either the existing system, some modification of it, or replacing it with some form of national popular vote. Maintaining the current system was initially approved by 63 percent of the participants, but an equal number approved at least one method of significantly modifying that system. And almost half the participants indicated that they could approve an electoral system that abolished the Electoral College.
6. In this preliminary ballot, we did not insist that participants rank-order alternatives of which they disapproved. Thus, retaining the Electoral College could be the last choice of some people who simply disapproved of it along with several other options.
7. The role of approval voting in arriving at accurate collective choices is most strongly indicated by the work of Steven Brams and Peter C. Fishburn, *Approval Voting* (Boston: Birkhause, 1983). The role of the Borda count in such choices is most strongly indicated by Donald Saari, *The Geometry of Voting* (Berlin: Springer, 1994). For a discussion of the work of Brams and Saari, see Dana Mackenzie, “May the Best Man Lose,” *Discovery*, November 2000.
8. Maine abandoned the “winner-takes-all” allocation of electoral votes in 1972, while Nebraska abandoned this feature in 1992. Both states aggregate individual votes by congressional districts as well as for the state as a whole and award one elector to the candidate with the most popular votes in each district and two electors to the candidate with the most popular votes throughout the state. This method will be discussed below, but these provisions have thus far not affected the overall results in these states.

9. Some Republican representatives who serve in states that voted for Gore (e.g., Delaware's Mike Castle, the state's only House member) might have considered casting a Gore ballot, especially in light of popular vote count.
10. Among the key interests mollified by the Electoral College were southerners who understood that their voting power would be reduced by a popular voting scheme comprised of white males. Under the Electoral College, black slaves would be taken into account in the allocation of electors under the previous compromise that counted a slave as three-fifths of a citizen for purposes of determining representation in the House.
11. *Federalist Papers*, No. 68.
12. As is discussed in chapter 3, Thomas Jefferson and Aaron Burr received the same number of votes in 1800.
13. A fifth change occurred with the adoption of the Twelfth Amendment in 1804. The designers of the Electoral College originally assumed that the top vote-getter overall would be president and the second top vote-getter would be vice president. Thus, they gave electors two votes (under the constraint that no more than one of these votes could be for a candidate from an elector's home state), but they failed to provide electors with a way to differentiate (or discriminate) between the candidate they supported for president and the candidate they supported for vice president. The development of congressional parties and the election of 1800 brought about a need for change because the presidential nominee of the (Democratic) Republican party (Thomas Jefferson) and the vice presidential nominee of that party (Aaron Burr) each received the same number of votes, and Burr refused to step aside for Jefferson. Thereafter, electors were required to cast one vote for the president and a second separate vote for the vice president. The Twelfth Amendment is discussed in more detail in chapter 3.
14. Other listings of proposals to change our method of selecting the president are provided by Neal R. Peirce and Lawrence D. Longley, *The People's President: The Electoral College in American History and the Direct Vote Alternative* (New Haven: Yale University Press, 1981), 131–80; and Stephen J. Wayne, *The Road to the White House, 2000* (Boston: Bedford/St. Martin's, 2000), 310–16.
15. The results under the district plan for 1960 and 1976 are provided by Nelson Polsby and Aaron Wildavsky, *Presidential Elections: Strategies and Structures of American Politics*, 10th ed. (New York: Chatham House, 2000), 251.
16. Popular votes for the presidency were not reported by congressional districts and had to be calculated by a time-consuming process that continued into summer 2001. According to a preliminary estimate, Bush would have won in 228 congressional districts and Gore would have won in 207. Adding in the results of the statewide contests and in Washington, D.C., Bush would have captured 288 electoral votes compared to 250 votes for Gore. See Clark Bensen, "Presidential Election 2000 Congressional District Preliminary Study," at www.polidata.org.
17. In some proportional systems, candidates must attain some minimal threshold to qualify for any electors — even though a strict proportionality principle would dictate otherwise. The purpose of minimal thresholds — typically of 5 or 10 percent — is to minimize the capacities of fringe candidates or those representing merely regional interests from being "spoilers" who prevent the major candidates from getting an electoral majority. There may be good arguments for having such thresholds, but they undermine the logic of the proportionality principle, which is to ensure adequate representation for voters having minority views and interests. Thus, the proportional allocation reform that we consider here does not include minimal thresholds.
18. The most used such method, the d'Hondt system, is discussed in chapter 10.
19. Other candidates would have 4.2 electoral votes.
20. The authors of chapter 10 conclude that the d'Hondt system would have Gore receiving 268 electoral votes and Bush receiving 267 electoral votes. Here too the issue would have to be resolved in the House.
21. See William Keech, *Winner Take All: Report of the Twentieth Century Fund Task Force on Reform of the Presidential Election Process* (New York: Holmes and Meier, 1978). Setting the national bonus at 102 electors appears arbitrary, but may be based on having 2 additional electors

for each state and the District of Columbia. Presumably this number was selected because it was large enough to practically assure victory for the candidate with the most national popular votes. This number may be symbolically important, appearing to be based on federal principles recognizing the role of states while in fact enhancing national principles.

22. Defenders of the Electoral College might dispute this claim, believing that popular state elections have encouraged the selection of many state and local politicians having few qualifications other than their ability to appeal to popular impulses.
23. For example, in 1969 the House approved a constitutional amendment for a direct popular vote that called for a runoff between the top two vote-getters if no one secured 40 percent of the vote.
24. Perhaps the Center for Voting and Democracy has been the most vocal proponent of this method. Their proposal — which brings together a number of electoral reforms as a “Voters Bill of Rights” — is discussed at www.fairvote.org. They note that the method is used to elect members of the House of Representatives in Australia and the mayor of London.
25. Thomas Hobbes, *The Leviathan* (1651); John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971). These theories are discussed as deductive theories in Paul Schumaker, Dwight Kiel, and Thomas Heilke, *Great Ideas/Grand Schemes* (New York: McGraw-Hill, 1996), 43–78, 257–60.
26. One of the most important, decisive results is known as May’s Theorem. Suppose we are choosing between two alternatives and all voters are either indifferent between them (so they abstain) or are prepared to cast a vote for one or the other. Kenneth May proved, formally, that majority rule is the only fair system, in the sense that it is anonymous (reaches the same result if the ballots are counted in any order) and responsive (if there is a tie vote, then a change of one voter’s opinion in favor of an alternative should break the tie in that alternative’s favor). If one is choosing between only two alternatives, and one wants to adhere to these minimal standards of fairness, then majority rule is the only acceptable procedure.
 May’s result is extremely powerful, but it leaves an important question: what procedure should be used if there are more than two alternatives? Political scientists have been debating this question for a long time. Generally, a voting system can have two kinds of appealing qualities. It can be fair, or it can be logical. The goal in this debate is to interpret the words *fair* and *logical* and then present a voting system that meets these conditions.
 It seems easy, but it is not. Nobel prize winner Kenneth Arrow showed that, on a very general level, a system that is fair is generally going to generate illogical results in some elections. For example, a fair system might generate a “voting cycle,” a peculiar sequence of decisions in which candidate A defeats B, B defeats C, but (illogically!) C defeats A. On the other hand, a system that always generates a logical ordering of the alternatives certainly violates one of the conditions of fairness, perhaps by excluding some voters from participation because their opinions are illogical or by letting one single logical person dictate the result.
27. William H. Riker, *Liberalism against Populism: A Confrontation between the Theory of Democracy and the Theory of Social Choice* (San Francisco: W. H. Freeman, 1982), 65.
28. *Ibid.*, 238.
29. *Ibid.*, 249.
30. Walter Berns attributes this idea to Herbert Storing in his testimony at hearing on “Proposals for Electoral College Reform,” before the Subcommittee on the Constitution of the Committee of the Judiciary, House of Representatives, 4 September 1997. Serial No. 87, 37–40.
31. James Mill, *Essay on Government* (1820).
32. John Stuart Mill, *Utilitarianism* (1863). For a concise contemporary discussion of utilitarianism, see Will Kymlicka, *Contemporary Political Philosophy* (New York: Oxford Press, 1990), 9–49.
33. Benjamin Barber, *Strong Democracy* (Berkeley: University of California Press, 1983), 139.
34. Judith Best, testimony at hearing on “Proposals for Electoral College Reform,” before the Subcommittee on the Constitution of the Committee of the Judiciary, House of Representatives, 4 September 1997. Serial No. 87, 24–29.
35. Center for Voting and Democracy. See their website at www.fairvote.org.

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36. John Wildenthal, "Consensus after LBJ," *Southwest Review* 53 (Spring 1968): 1113-30.
37. Becky Cain, testimony at hearing on "Proposals for Electoral College Reform," before the Subcommittee on the Constitution of the Committee of the Judiciary, House of Representatives, 4 September 1997. Serial No. 87, 19-22.
38. Friedrich Hayek, *Constitution of Liberty* (Chicago: University of Chicago Press, 1969), 109.
39. Alexander Hamilton, *Federalist Papers*, No. 68.
40. Charles Beitz, *Political Equality: An Essay in Democratic Theory* (Princeton: Princeton University Press, 1989).
41. Of course, those who question the fairness of this inequality can argue that changing circumstances require a modification of an agreement that is more than two centuries old.
42. Rawls, *Theory of Justice*.
43. Polsby and Wildavsky, *Presidential Elections*, 245-53.
44. John Dickinson, quoted in John P. Roche, "The Founding Fathers: A Reform Caucus in Action," *American Political Science Review* 55 (December 1961): 811.