

“Electoral College Reform”

An Honors Thesis

by

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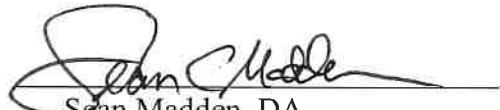
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Electoral College Reform: Striking a Balance

The Electoral College has engendered much criticism, but never as much as it has in the aftermaths of Bush versus Gore and Trump versus Clinton. Although some opponents of the existing system condemn it as a violation of political equality, supporters defend it as a stabilizing electoral process and an important aspect of American federalism. Others believe the system is flawed and requires reform, though it should not be eliminated. After careful consideration of those elements surrounding the question of reform, it is my position that the current system needs to be modernized. My research takes into consideration systemic flaws, arguments made, as well as various reform plans and results in what I consider to be a more fair and equitable way to elect a president.

The Electoral College has its roots in Article II, Section 1 of the U.S. Constitution which explains, in effect, that every state will choose a number of electors equal to its total representation in both houses of Congress. These electors will set about to elect both the president and vice president, and are appointed in whatever manner the state legislatures find to be most appropriate.

This is the system under which presidential elections have been conducted since the Constitution's inception but, for all of its merits, it does not have a perfect record. Four presidents failed to win the popular vote: Rutherford B. Hayes (1876), Benjamin Harrison (1888), George W. Bush (2000), and Donald Trump (2016). The 1824 election was decided by the House of Representatives, as none of the top three candidates had a majority of the electoral vote. These failings can be attributed to a combination of factors including connections between the electoral process and other components of the Constitution as well as to flaws inherent in the process.

Given such flaws, multiple plans for reform have been proposed over the years, each presenting its own vision for what reform should look like. Some would eliminate the current system while others would alter or outright preserve it. These plans include beneficial aspects but would also maintain existing flaws or introduce new ones, proving insufficient to address the entirety of concerns about the electoral system. As such, one should consider the creation of a new plan, predicated on solutions that would neutralize the negative effects of other constitutional components on the electoral process, account for the benefits and drawbacks of existing reform plans, and strike a balance between the competing interests of voters, populations at large, and states as invested members in American federalism.

Literature Review

Before any alternative plan for reforming the Electoral College can be considered, one must understand the various elements at play. These include components of the Constitution that are of consequence to how the electoral process functions, the manner in which the process has evolved, arguments for and against reform, as well as the existing reform plans that have been proposed.

Constitutional Components

There are two relevant aspects of the Constitution that have an effect on how the electoral process functions. These are the Connecticut Compromise and the Twenty-third Amendment. The Connecticut Compromise, known also as the 'Great Compromise,' guaranteed that all states of the union would have equal representation in the upper chamber of Congress. Due to the connection between elector apportionment and representation in Congress, small states have been afforded electoral votes above what they could have earned if electors were awarded by proportion of population alone (Estes 2011). Further, as will be discussed, the compromise gave rise to an electoral phenomenon that helped fuel criticism of the current electoral system.

Next, the Twenty-third Amendment (1961) gave the District of Columbia three electoral votes thereby increasing the elector count to 538 (Weinhagen 1981). The addition of these new votes resulted in an unintended problem for the Electoral College. Prior to the passage of the amendment, there existed an odd number of electoral votes because Congress had set the number of representatives in the House at 435 as of 1911. This number, in addition to the one hundred Senate-based votes, equaled 535, the number

to which our electoral system had grown accustomed (Crockett 2003). The significance of this foregone status quo was that, between 1911 when Congress set House representation at 435 and the passage of the amendment in 1961, it was near impossible that presidential elections could result in an electoral tie and elicit congressional intervention.

Passage of the Twenty-third Amendment (1961) changed that. The Reapportionment Act of 1929 capped the number of House representatives at 435 (Magliocca 2018), however the District of Columbia lacks formal representation in Congress, therefore its three votes are attributed to the electoral count without that traditional restriction. This has resulted in the even vote total of 538 that prevails today, recreating an avenue for electoral ties that had previously been extinguished. Though the chance for contingency elections by Congress is remote, any potential for Congress to influence presidential elections is undesirable. (Crockett 2003).

Evolution of the Process

Apart from considerations about the Constitution's effect on the electoral system, the processes by which the Electoral College functions are also of relevance. Initially, there was no favored method of selecting electors amongst the states. Some states, such as Virginia, followed what resembled modern district plans while others like South Carolina chose to allow their state legislatures to appoint their electors. Still others followed winner-take-all systems whereby the winner of the popular vote is awarded the entire slate of a state's electors (Estes 2011).

The third method ultimately rose to dominate electoral methodology as political parties formed and factions came to grasp its advantages. Winner-take-all systems create

the potential for politicians and their political parties to gain significant electoral advantages with minimal winning margins. Though states continued to use a variety of methods in the decades following the Constitution's adoption, winner-take-all increasingly was the method of choice. By 1828, the only state that had not fallen in line with the winner-take-all system was South Carolina, which opted to allow its state legislature to choose its electors (Estes 2011).

Arguments For and against Reform

Beyond discussions of the constitutional influences on the electoral process and how it has changed since its inception are considerations about whether it should continue in its current form or be abolished. For the past half a century, Gallup polling has maintained that a majority of Americans favor doing away with the Electoral College in favor of a system much closer to—if not outright—the national popular vote (Edwards 2004, 32-33). Over the years, various arguments have been made for and against the Electoral College.

For Reform/Abolition

Those in favor of Electoral College reform take the position that the Electoral College is flawed and does a disservice to voters for multiple reasons, many of which are grounded in political equality. A primary concern of a segment of Electoral College critics is that it is less than democratic. Not only are electors the ones casting the votes that actually count, it is also up to them whether they will vote in solidarity with the people of their state or vote for a candidate against the wishes of their fellow citizens (Miller 2011).

Koza (2013) explains that the current Electoral College system, which is dominated by the winner-take-all method of selecting a candidate, effectively disenfranchises most of the states' citizens. As it stands, candidates view states as important campaign destinations if no side has a decisive advantage in the polls. Aside from a disproportionate number of campaign visits, these select states will also enjoy higher revenues attributable to campaign expenditures and will take precedence when states' issues are addressed. In other words, a state must be a "battleground state" in order to receive significant attention from candidates.

It is also argued that such a system does not reflect the overall popular vote of the country. Given that only a plurality of the vote is required under this system, coupled with the fact that some state election results can come down to a few hundred votes, candidates could achieve national victories with minimal vote margins (Koza 2013, 11-12). A candidate could theoretically win the eleven most populous states by one vote and carry the Electoral College with only 27 percent of the popular vote ("Rethinking The Electoral College Debate: The Framers, Federalism, And One Person, One Vote" 2001).

The precarious results of elections under this system are exemplified by the elections following World War II. Among those elections held, six were determined by minimal state vote margins as compared to the national vote margin. The election of 1948 between Truman and Dewey came within 4,000 votes in Ohio and 9,000 votes in California. In 1960, Kennedy's victory over Nixon was decided in Illinois and South Carolina both with victory margins under 5,000 votes. Continuing this pattern were the elections of 1968, 1976, 2000, and 2004. In particular, the 2004 election came within 300 votes in Florida (Koza 2013, 47).

In a case like the Carter and Ford election a change of a few thousand votes in Ohio and Hawaii would have altered the outcome—the candidate with the minority of votes nationally might ascend to the presidency. This exact situation occurred four times in history. Electoral College “misfires” occurred in 1876, 1888, and as recently as the elections in 2000 and 2016. (Florey 2017).

Another perceived issue with the current electoral system is what has been referred to as the “Electoral College Lock.” This issue has favored both parties at one time or another and is brought about by a bloc of electorally influential states that consistently vote for one party’s candidate over a period of time (Taylor 2013). This “lock,” reliant upon the winner-take-all election method to manifest itself, is considered by critics as another symptom of a flawed methodology for choosing presidential electors.

Yet another recognized electoral phenomenon is the Connecticut Effect. Named after the Connecticut Compromise, this effect is derived from the compromise’s establishment of equal representation in the upper chamber of Congress. As it is described, this effect essentially facilitates the overrepresentation of small population states in the presidential process by providing “bonus votes” derived from these states’ guaranteed representation in the Senate. The Connecticut Effect is inconsistent in its application to presidential elections, lacking an established trend of support for either major party. Further, once again in connection with winner-take-all voting methods, the Connecticut Effect had little to no prevalence before the states came to near uniformity in their methods for choosing their electors. As it stands, the effect tends to work in the interests of the candidates who lost their elections, over-representing said candidates in

the Electoral College, as well as in the interests of those candidates who secured the most small states (Estes 2011).

Of note, the Electoral College misfire in the 1876 election may be attributed to the Connecticut Effect. In that election, Samuel Tilden—who won the national popular vote—lost to Rutherford Hayes by a margin of one in the Electoral College. The effect is of consequence because it provided Hayes with an eight electoral vote advantage, providing just enough support to put the minority candidate in office (Estes 2011).

Against Reform

On the opposite end of the Electoral College reform argument are defenders of the existing system. For all of the criticism leveled at the Electoral College, proponents of the system have their own arguments in its defense and criticisms of the various reform ideas that have been put forth.

The primary defense of those seeking to preserve the Electoral College in its current form is that it has correctly produced the “people’s choice” in most elections, around 90 percent of elections held (Miller 2011). One could reason that the Electoral College is doing fairly well in determining correct outcomes, therefore it should be left alone to deny the potential of making the system worse off than as it currently stands.

Another argument in favor of retaining the Electoral College, specifically as a college of electors, is that electors rarely cast votes in opposition to the will of the people. When they have, it is stated, they have never altered the outcome of a presidential election (Weinhagen 1981).

It is also argued that, as a constitutional system of a federal republic, the Electoral College facilitates the election of the president in a federal capacity. As people of the

United States, citizens occupy a space in which their roles as members of individual states and as members of the whole republic overlap. As such, they are not only voting for a candidate from the perspective of national citizens but also that of state citizens invested in the concerns and needs of their communities.

In continuation of this federal line of reasoning, defenders of the Electoral College also contend that the guaranteed electoral votes stemming from senatorial representation are a component of the federal nature of presidential elections and that they only represent roughly eighteen percent of the total Electoral College vote. Though they may provide some advantage to small states in comparison to larger, more populous ones, that advantage is more than counterbalanced by the high vote totals that populous states such as California—which represents 20 percent of electoral votes—control and that provide those states a “voting power” advantage (Miller 2011, 7-8).

One other major point provided in defense of the Electoral College is that it affords to the nation a certain level of political stability. It necessitates that presidential candidates make appeals to ideologically opposed or divided voter populations in order to build a winning coalition of states (Miller 2011, 8).

Existing Proposals for Reform

In the current debate over the future of the Electoral College, there appears to be three general lines of thinking: end it, mend it, or preserve it.

End It

Under the effort to end the Electoral College, direct popular vote is the central solution being promoted. The direct election of the president would put presidential elections in line with the election process for every other elected official in the country

(Edwards 2004, 154). Direct election, as is sought, would bring an end to the Electoral College and put a simple, national popular vote in its place. Joint tickets would remain under most plans, with the goal of securing a majority—plurality at a minimum—of the popular vote. Runoffs would be permissible in the event that no one candidate achieved a certain percentage of the vote and, in some cases, direct election would revert to the current system in that it would allow for the Congress to choose the president and vice president if no one ticket received a minimum vote threshold (Miller 2011).

Supporters of direct election contend that the process would bring about increased political equality, to include voter equality, would reduce sectionalist tendencies in candidates as they attempt to center their focus on the whole nation, encourage apathetic voters to become involved as candidates campaign for every single potential vote, and would generally result in a much simpler, smoother process for electing the chief executive (Edwards 2004, 154).

Unique to efforts to end the Electoral College is the principle of “one-person, one-vote.” Over time, citizens’ views have shifted in favor of democracy, not federalism, as the foundation by which electoral processes are carried out. Opposed to the role of the states in administering and influencing presidential elections is the belief that results should instead be solely based on the aggregate of individual voters’ preferences. It is held that every vote should hold equal importance to every other vote in electing America’s presidents, no matter where in the union the vote came from (Muller 2012). This same principle was established for congressional elections in the landmark decision *Wesberry v. Sanders* (1964).

Mend It

In terms of mending the Electoral College, there is not a single, uniform approach to how it might be done. That said, there is a degree of commonality between all of the plans that would fall under this category. Typically, reform plans would remove electors entirely from the process, instead delegating their votes as something equivalent to points and maintaining the requirement of a majority of votes in order to secure the presidency. These plans share a characteristic with those plans that would seek to end the College entirely, wherein the joint presidential ticket would be a mandated component as has become the standard for presidential elections (Edwards 2004).

There are three general types of plans that could be categorized as mending the Electoral College. These are the Automatic Plan, the District Plan, and the Proportional Plan (Miller 2011).

The Automatic Plan would do the least in terms of reforming the Electoral College. While the plan would abolish it as an institution, it would mandate the winner-take-all system, casting aside the right of states to determine how electors should be awarded. It would automatically award electoral votes to whichever candidate wins the popular vote in a state, however it would still provide for contingent elections in the event that no single candidate were to achieve a minimum threshold—if not outright majority—of the electoral votes, upholding the acceptability of presidential selection by Congress.

For supporters of the Automatic Plan, the noticeable lack of change is exactly the point. They contend that the balance of power provided by the Electoral College as it currently exists would be maintained and that the continuation of the national, two-party system would be assured (Miller 2011, 34).

The District Plan—currently in use by Maine and Nebraska—would similarly abolish the role of electors and maintain the role of the state in distributing electoral votes; however, it would mandate the distribution of votes within states on a district basis. For each state’s two guaranteed votes provided by its representation in the Senate, those votes would be awarded to whichever candidate wins in the state overall. For the votes based on each state’s level of representation in the House of Representatives, they would be awarded in an amount equal to the number of voting districts won in the state by the respective candidates.

Supporters propose that the potential benefits of switching to the District Plan include much higher accuracy in how the electoral vote matches the state popular vote and, by extension, the nationwide vote. It is also proposed that a District Plan would encourage revitalization of party presences in states that are otherwise one party states, either solidly “blue” or “red” states, because once unattainable electoral votes would again be available when allotted to districts that favor the party in question (Miller 2011, 35).

The Proportional Plan would also abolish the College of electors while retaining the concept of state awarded electoral votes. As implied in the name, the Proportional Plan would do just that, award electoral votes to the candidates equivalent to their share of the statewide popular vote. There are two different interpretations of the Proportional Plan, one being “strict” and the other “rounded.” The strict variation would allow for the apportionment of electoral votes—now divorced of their connection to physical persons—on a proportion as accurate as the thousandths place. The rounded variation,

however, would seek to award electoral votes in terms of whole units, employing additional layers of complexity to assure that the math works out as intended.

Support for Proportional Plans can be explained by the plans' retention of Electoral College characteristics such as deference for states' roles in the electoral process while also improving political equality by coming much closer to direct popular vote than the other reform plans. By moving closer to a direct popular vote, the Proportional Plans also significantly reduce the risk of "minority" presidents (Miller 2011, 36).

Preserve It

As for preserving the Electoral College, the goal is just that. Supporters of the College refute that it is in need of reform or replacement. As mentioned previously, they maintain that whatever its flaws, results in the College have fallen in line with how the people voted over 90 percent of the time (Miller 2011). Supporters do not find a compelling argument in the idea of "faithless electors" given the infrequency by which electors have broken from popular sentiment in recent times (Weinhagen 1981). Finally, they believe that the Electoral College and its process are an extension of the federal system upon which the country is built, designed to allow the people a say in the choice of their president while also considering the stake of individual states in the election process (Miller 2011, 7-8).

One other plan of note is that of the "Agreement among the States to Elect the President by National Popular Vote." Seemingly out of place when categorized as "preserve it," there is a degree of appropriateness to including it here because the plan itself would rely upon the Electoral College system remaining as it is. Under this

compact, no internal state processes would be altered. Elections would carry on as normal and the national popular vote would be tabulated afterwards in order to determine a winner. It would not activate until reaching a number of member states required to achieve a controlling share of electoral votes and would award that controlling share to whichever candidate wins the national popular vote in an election (Koza 2013, 258). It has been argued that this approach enables reform of the country's electoral system without fighting an uphill battle to affect change via the traditional constitutional avenues for reform. As no aspect of the U.S. Constitution is being changed, there is no need for an amendment.

Consideration of Existing Plans

After reviewing the various plans that have been advocated, a number of both positive and negative conclusions about each one can be drawn. Though every plan encompasses ideas that would be beneficial—or, at the very least, should be taken into consideration—each one has its failings and should not be advanced. That said, an alternative plan would benefit from the merits of the various established plans.

Popular Vote

Ending the Electoral College and converting to a simple, national popular vote system would be the most radical change of all the proposed plans in that it would not attempt to accommodate the existing electoral structure in some fashion. It would remove the Electoral College, whereas the plans to mend or preserve the current system would allow for its existence and the interstate compact would rely on the system in order to circumvent the system.

One of the strongest arguments in favor of this model for reform would be its drive for greater political equality for the voting populace. There are flaws inherent to the current system that result in the disenfranchisement of significant numbers of voters. Chief among these flaws, one could argue, is the allowance for the winner-take-all method of allocating electoral votes. Due to this voting method, significant percentages of voters are disregarded at the state level because the winner of the statewide popular vote—even if the margin of victory is small or if the winner secured only a plurality—secures all the state’s electoral votes. By the standard of national popular vote, on the other hand, exact voting results would take precedence and, whether one’s candidate would win or lose, every vote would still be considered equally in relation to every other vote.

Other than revising voting methods to promote voter equality, Edwards (2004) argued that national popular vote would reduce candidate sectionalism and encourage otherwise disaffected voters to return to the polls. One may be inclined to agree with that sentiment.

Turnout as a percentage of eligible voters has hovered within the range of fifty percent, give or take a few percentage points, for decades (Desilver 2018). While voter apathy as expressed by this trend could be produced from various causes—busy schedules being one example—one could safely assume that political inequality inherent in the system works against voter participation. In solid “red” or “blue” states, there would be no incentive for a certain percentage of persons eligible to vote to do so when their preferred choice, depending on the state, is assured a loss. Due to winner-take-all voting, a candidate’s loss would render their supporters’ votes fruitless. Even should this

not be the case for most apathetic persons eligible to vote, it is more likely than not that a certain number of potential voters are being deterred by the inequitable setup under which state voting is currently taking place. Under a national popular vote, said deterred voters may well re-engage with the electoral process because they would have a true opportunity to make a difference in elections.

As for sectionalism, it is no secret that candidates make strategic appeals to certain regions and segments of the population in order to construct a path to victory in the Electoral College. A perfect example of this was President Trump's campaign from the 2016 election. Even though the president lost the national popular vote, he appealed to the desires of blue-collar workers in the Great Lakes region to edge out Hillary Clinton in those states and secure an electoral victory. No matter one's opinion, a candidate for the presidency at any point should not be able to construct a margin of victory by appealing to certain voters at the expense of neglecting others. Under national popular vote, candidates would need to focus their attentions on constructing a broad-based agenda in order to attract as many voters as possible from different regions of the United States.

Similar to the reasons for which one could support a popular vote model, reasons to oppose such a model also lie in its foundational premise: Voter equality. More specifically, the premise of one-person, one-vote. Muller (2012) denied that such cases as *Wesberry v. Sanders* (1964) and *Gray v. Sanders* (1963) that established the premise of one-person, one-vote were justification for establishing a national popular vote. He suggested in his work that one-person, one-vote was a fundamentally different type of

political equality to that which is afforded by the Electoral College, though an argument for equality nonetheless.

Without wading into a debate on whether these and related cases are a justification of national popular vote or not, it would be beneficial to establish what one-person, one vote and the method of the Electoral College are advocating for fundamentally in terms of equality. On one hand, the argument of one-person, one-vote is that the vote of every voter across the United States should be equivalent to that of every other voter, resulting in total voting equality.

On the other, the Electoral College apportions most of the Electoral Votes—about 82 percent—in accordance with the distribution of House seats. House seats which, in turn, were apportioned in line with aggregate population counts that were evenly distributed across state congressional districts. Directly put, the Electoral College derives political equality from total population, not just the segment of the population which votes. Therefore, state populations derive their share of electoral influence from the size of their total population in relation to the populations of other states.

The implication created by this contrast is that one must decide which pursuit of political equality is of greater importance, equality among voters or the equality derived from states' populations carrying political influence proportional to their size. According to Muller (2012), one should be inclined to choose equality between states' populations. To prioritize equality between voters, a select portion of the population, over state populations as a whole would be to suggest that those who vote hold greater importance than those who do not—children, felons, non-citizens being a few examples.

Now, one could argue that those who vote would proportionally represent their state's populations whether they voted under the Electoral College system or a national popular vote, however this does not appear to be the case. Muller (2012) details how disparate the makeup of various state populations can be. Texas may have a larger population than Florida, but 27 percent of Texans are children. In comparison, only 21 percent of Florida's population is comprised of children. The large number of children coupled with the 2.3 million resident non-citizens over 18 years of age who factor into Texas's population would result in a low proportional share of voters who would not accurately represent the state's overall population. Therefore, assuming one values equality in total population representation over equality in voter representation alone, then switching away from the Electoral College to a national popular vote cannot be justified.

To make this point clearer, one could view it through the lens of a simplified, extreme hypothetical. In said hypothetical, assume that two states exist labeled state A and state B. State A is home to 10 million people, all but 10,000 of whom are felons, whereas state B is home to one million people and has no felons. As such, state A is pro-felon and state B is anti-felon. Further, all 10,000 non-felons in state A are eligible to vote and about 25 percent of state B's population is eligible to vote. Assume all eligible voters will vote in the next election.

When the next election comes about, there are two candidates from which to choose, C1 and C2. The policies of C1 are pro-felon and the policies of C2 are anti-felon. When all votes have been accounted for, all 10,000 of state A's voters supported C1 and all of state B's voters—about 250,000 people—supported C2.

Under national popular vote, C2 would win the presidency because of state B's 250,000 voters, even though state B has only a tenth the population of state A. Under the current electoral system, even with three guaranteed electoral votes per state, state A's electoral votes would far outnumber state B's due to their basis in aggregate population. In this case, C1 would win the presidency because of state A's 10,000 voters attributing its electoral votes to that candidate.

Given the results in this example, one must make a choice: should the vast majority of total voters who represent the interests of state B's miniscule population decide the election or should the minority of voters who represent the will of the overwhelming majority of the country's population decide the election? If one finds it more appropriate to protect the will of populations in total as opposed to only the will of those who vote, even if certain segments cannot represent themselves in elections, then the clear choice for a political process becomes the existing electoral system.

Automatic Plan

As a model for reform, the Automatic Plan would do the least in terms of Electoral College reform and, as such, may be considered one of the least desirable. It would eliminate electors and the institution of the Electoral College, a desirable step given its lack of usefulness as a body of people in modern times. Beyond that, however, the plan would do very little to address grievances with the Electoral College. It would actually further frustrate attempts at reforming the College into a more equitable institution by mandating winner-take-all voting systems. Such a mandate would, in turn, enshrine such issues as the Connecticut Effect, voter disenfranchisement, and plurality-based victories into the electoral process. The Automatic plan, in mandating current

aspects of the Electoral College system, would preserve the two-party system and the political stability that accompanies it, however one would hopefully realize that the plan's positives do not outweigh its negatives.

District Plan

The benefits of this model for reform would lie in its removal of electors and its preservation of states' involvement in awarding electoral votes. As well as this, transitioning to a district-based vote apportionment method would, as supporters insist, generate electoral results that are much more consistent with the results of statewide popular votes. Also, it would not be out of the realm of possibility that this plan would enable the revitalization of once diminished parties in states that are "one party" states, more appropriately referred to as "red" states and "blue" states.

Such a plan, even with its perceived benefits, would inevitably also come with a steep cost. The primary risk of transitioning over to a plan built on this model would be the exposure of the nation's electoral process to the corruption of congressional district gerrymandering. As it stands, political parties gerrymander congressional districts in such a way as to maximize their own representation in Congress. A party would carry this out by ensuring that congressional districts encompass majorities composed of its own voters. Therefore, an electoral process bound to congressional districts would end up being predetermined, controlled by whatever party would currently be in power.

Proportional Plan

Similar to the previous plans dedicated to mending the Electoral College, the Proportional Plan would abolish the college of electors. In line with the District Plan in its dedication to consistency between electoral and popular vote results, this plan would

award electoral votes on a proportional basis to candidates depending on their share of the statewide vote. These aspects of the plan would both be beneficial in making the Electoral College more democratic and dedicated to the will of the people. In fact, the Proportional Plan's method by which it more accurately reflects the statewide popular vote would be more effective than that of the District Plan insofar as it avoids the corrupt practice of gerrymandering.

That said, the "rounded" variant of the Proportional Plan specifically would add to the complexity of an already complex system in trying to provide candidates with whole electoral votes on a proportional basis. On top of that, though the variants of this plan would retain states' roles and influence in administering the election as well as increase the accuracy of electoral results—as previously mentioned—it would fail to solve one of the primary issues to be had with the current system. It would do nothing to resolve the inequality in voting power between voting blocs of different states.

Preserve It

Given the presence of the Electoral College since the country's inception, enough time has passed that the positives and negatives of the Electoral College system are evident. To its benefit, it has been argued that the Electoral College proved remarkably capable thus far in achieving election results that are in line with the national popular vote. It is an entrenched component of federalism that has managed to weather several centuries including both political stability and turmoil. By all accounts—whether it is due to or despite it—the Electoral College has seen the United States through election after election.

Regardless, the tradition of the Electoral College system and its relatively decent track record do not preclude it from criticism. The existence of a body of electors with the final say on who should be president and the authority to vote however they please is inherently undemocratic. The method of vote allocation has been hijacked by the winner-take-all system that, while politically expedient, is inaccurate and can severely misrepresent the will of the people. The winner-take-all system predominant under the Electoral College likewise supports electoral phenomena like the electoral “lock” and the “Connecticut effect,” frustrating candidates’ campaign efforts and causing electoral vote totals to be much closer than they would be otherwise. The system as it exists, bound to the Congress and thus guaranteeing several votes to every state, also produces disparity between the influence of individual voters in large states in comparison to smaller states.

Interstate Compact

The goal of the interstate compact model is exactly the same as that of the popular vote model in that it ultimately seeks election of the president by national popular vote. As such, one could consider it as having similar benefits and drawbacks as that of the popular vote plan. The importance of this model lies in the unusual method by which it would be carried out. It would not seek Electoral College reform of any kind, rather it would utilize an agreement between a number of states with controlling shares of the electoral votes wherein said states would pledge their votes to the winning candidate of the national popular vote. The benefit of this plan would be that, should one’s goal be to achieve national popular vote for the country, it would effectively circumnavigate the amendment process.

Other than the debate that could be had on whether such a compact would require the approval of Congress, one primary drawback to the plan would lie in the potential reaction by the voting public if it is enacted. A dispute could very easily erupt between supporters of respective candidates if one candidate won the electoral vote and the other won the popular vote. Under the compact, the signing states would be required to pledge their electoral votes to the winner of the popular vote even if the opposing candidate secured enough states to garner an electoral victory. Further, questions would arise over the legitimacy of the compact's actions if one or more of the states in the compact were won by one candidate but their electoral votes were promised to the opposing candidate because said candidate won the national popular vote.

An Alternative Plan

After analyzing the various elements surrounding the debate over Electoral College reform, one could argue that an appropriate alternative to the existing system cannot be found amongst the plans that have been proposed. Therefore, an alternative plan ought to be presented so as to steer the conversation away from those existing plans that, if implemented, could leave the electoral system in a worse position than it currently holds. As well as this, a plan with a fresh perspective could bring constructive arguments to the Electoral College debate and help strike a functional balance between the opposing reform camps.

In light of the issues surrounding the debate, one must recognize that any acceptable reform plan should work to address the following issues. Given consistent public support for national popular vote and related democratic reforms in the preceding decades, one could conclude that any reform plan would need to make the Electoral

College more democratic and would have to ensure a more accurate representation of the voters' will. At the same time, one should not dismiss the importance of the federal component of the electoral system that attempts to protect the right of states to influence and administer elections. It is important not only to preserving the political influence of states but also to preserving the influence enjoyed by citizens as members of separate, diverse state communities. Also, though national popular vote and the premise of one person, one vote may not be sufficient to replace the core functions of the current system, the line of thinking may find an appropriate application whereby it assists in the selection of presidential candidates without holding a decisive role.

To satisfy, then, the concerns as they have been identified and to try to strike a balance that would be acceptable to those parties involved, a new plan could be structured as follows:

A national primary may be held—assuming the presence of three or more candidates—subsequent to party primaries that would include all party candidates and any independent candidates that would meet some minimum threshold for participation. In the spirit of voter equality and to prevent plurality-based outcomes in the following Electoral College based election, a national popular vote would be held to select the two most favored candidates to proceed into the next election stage.

The following election based on the Electoral College would be significantly adapted from its current form. First, it would alter the way in which electoral votes are allocated to the states. The college of electors would be abolished. Similar to those votes derived from the Senate, each state would be privileged to two guaranteed votes to reinforce the federal component of the election while all other votes would be decoupled

from the House of Representatives. While separating the votes from the House upper limit, the plan would also establish a minimum population threshold based on the least populous state for any vote beyond the guaranteed two votes. For example, Wyoming has the lowest population count in the union at a bit over 500,000 people. So, the plan would establish a minimum threshold of, say, 500,000 people to every vote, allowing the state of Wyoming to actually earn its third vote while causing a multiplier effect for the electoral count of higher population states. to more accurately reflect their population totals and to reduce power disparity between voters of larger and smaller states.

The two guaranteed votes would be left to the states to decide in what manner they would prefer to award said votes to candidates, similar to how all electoral votes are awarded now. The remaining votes derived from population totals would be required to be distributed on a “strict” proportional basis in order to gain the benefit of increased accuracy to state vote totals while also avoiding the shortcomings of other fractional reform plans such as the complexity of the “rounded” proportional plan or the gerrymandering to which variants of the district plan would be susceptible.

The “strict” apportionment of electoral votes, in line with each candidate’s vote percentage, would drop the fraction of a vote beyond the thousandths place for each candidate and award the resulting thousandth of an electoral vote to whichever candidate would win the state overall. This would be a simple solution to ensuring a mathematically even electoral result that would be statistically insignificant in comparison to the broader pool of electoral votes.

This alternative plan would hold numerous advantages over the current system and any other proposed plan individually. By allowing a national primary prior to the

main event, such a system would allow voters to exert their influence as politically engaged citizens to choose the most preferred candidates as finalists. This would increase their say in the electoral process without risking an election victory by a candidate who can secure a majority popular vote but who does not necessarily represent the people at large. As well as this, a national primary prior to the actual election would narrow the field to two candidates and eliminate the risk of one winning by a plurality of the vote.

Abolishing the Electoral College as a body of individuals would increase the system's value as a democratic process while removing one of its functions that has become largely redundant. By privileging the states with two guaranteed votes to allocate however they should choose, the plan recognizes their status as equal members of the American republic. At the same time, by decoupling the electoral vote from congressional representation and creating a standard for allocating population-based electoral votes that is derived from the least populous state, smaller states will earn their existing votes and larger states will gain votes proportional to their size.

Requiring those votes that are determined by population size to be based on the least populous state would readjust state electoral power to more accurately reflect the fair proportional influence of state populations on presidential elections. Also, as a result of this method, the gap between the number of guaranteed votes and population-based votes will increase, diluting the influence of the Connecticut Effect. The even vote count of 538 caused by the District of Columbia gaining votes under the Twenty-third Amendment (1961) would also be ended as a permanent electoral fixture, reducing the likelihood of a contingent election by Congress.

Requiring the electoral votes of states to be awarded on a “strict” proportional basis would enable the electoral vote to much more accurately represent the vote totals in each state. In doing so, the issue of voter disenfranchisement would be reduced. Voters’ share of the overall state influence would be awarded to whichever candidate they chose to support, and breaking up state electoral votes along a proportional basis would very likely eliminate the candidates’ ability to campaign on the needs of electorally influential populations while ignoring those voters and communities that aren’t strategically placed during the election. Candidates would, in effect, have to campaign for every vote nationwide, and yet the influence afforded to state populations by the electoral vote system would be maintained.

Conclusion

Overall, the primary benefit of this new plan is not that it proposes any brand-new ideas for how the Electoral College should be reformed. Rather, its importance lies in that it recognizes the positive aspects of the various proposals that have been put forward and utilizes them in the best manner possible. It addresses flaws inherent to the current system and attempts to reduce or eliminate the concerns attached to existing plans. All of that said, perhaps the most important reason to support such a plan is that it considers the viewpoints of every side and attempts to reconcile them in a way that is functional and that promotes political equality between voters, the population as a whole, and states as privileged members of the American republic.

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