



The electors would be voting for individuals, not parties, and the candidate who came in second would be Vice President.

In 1800, with most electors voting the party line of either the Republicans or the Federalists, Jefferson and Aaron Burr, his party's candidate for Vice President, received the same number of votes. The Constitution calls for a tie in the Electoral College to be broken by the House of Representative, which each state receiving a single vote. A deadlock occurred there, too, and was finally broken by some Federalist states casting their votes for Jefferson. Before the 1804 election, the Twelfth Amendment to the Constitution, calling for separate balloting for the two offices in the Electoral College, was adopted.

Still, problems remained with the Electoral College. The most troublesome is that the winner-take-all practice in each state means that it is possible for one candidate to win the popular vote but lose the election because the other candidate received more electoral votes. This happened in 1824, 1876, 1888, 2000, and 2016. This seems undemocratic, as does the fact that people in small states have a greater voice than those in large states. In Wyoming, there is an elector for every 200,000 people, while in California, one exists for every 700,000, a discrepancy of more than three to one.

That very discrepancy is the reason that most observers have little hope of the system being changed by constitutional amendment. Just proposing an amendment requires either the support of two-thirds of the states or two-thirds of each house of Congress. Ratification is even harder, requiring approval by three-fourth of the states. Just 13 states can thus block ratification, and the small states are very unlikely to give up their favored position.

There might be another way. A state can choose to apportion its electoral vote, using some formula that reflects the popular vote more clearly than winner-take-all. Nebraska and Maine both now have versions of this scheme. Another idea is for each state to declare that its electoral votes will go to the winner of the national popular vote. This scheme has achieved some traction through the movement to adopt the National Popular Vote Interstate Compact. Ten states and the District of Columbia have so far agreed to join the compact.

The Electoral College no longer serves its intended purpose, even if that purpose was valid. Why should votes be determined by acres rather than by people. The concept of "one man, one vote" is pretty firmly entrenched in the American democratic tradition. For example, the Supreme Court used that concept when it ruled in the mid-twentieth century that state senate members could not be elected by county, but must reflect population. Wouldn't candidates work harder to win one-party states, if they thought in terms of winning voters rather than states? Voter participation might be increased by engaging potential voters that under the current system feel that their votes simply don't count.

This nation has made many strides toward the democratic ideal since its inception. During the Jacksonian era, white adult male suffrage became almost universal with state property qualifications and religious tests mostly being eliminated. After the Civil War, black men, too, could (in theory) vote. In 1920, women could exercise the basic democratic right. In 1971, eighteen-year-olds joined the electorate. All citizens casting equal votes for President, regardless of their residence, certainly should follow.



