The Analysis of the Electoral College: An Enduring but Controversial Part of the American Political System

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Abstract. The Electoral College, as the essence of The Framers of the Constitution in 1787, has a positive influence on the early practice of America. But as the emergence of the two-party system and a two hundred years’ evolution, the Electoral College now operated quite differently from how the founding fathers envisaged it. Although with plenty of controversy and flaws, it still remains as an essential mechanism for the presidential elections. This paper analyses the history and development of the Electoral College and the rationality for its long existence.

Introduction

The Electoral College devised by the framers of the United States Constitution is feasible, desirable, and consistent within a republican form of government. In the United States, Citizens vote in each state and the District of Columbia at a general election to choose "electors" who are pledged to vote for a particular party's candidate. It is a mechanism lasted for more than 200 years. There are 538 members in the Electoral College, including 100 senators (two senators each state), 435 House of Representatives (Members of House of Representatives are apportioned according to a state’s population) and three electors for the District of Columbia which is stipulated by the Twenty-Third Amendment [1]. Under the winner-take-all system, the state's electors are awarded to the candidate with the most votes in that state, maximizing the state's influence in the national election. That is to say if a candidate wins in a small margin in a state, he will get all the delegates’ votes from that state. All the Controversies are originated from here.

The Origin of the Electoral College

The first electoral system in the United States is totally different than the winner-take-all system today. At the beginning of the United States, there is a loose alliance between the states. Under the Act of Confederation, All the states' power belonged to the confederation congress. The 13-member committee is established to handle daily affairs only during the adjournment of the convention, and no executive role like the president is set. Because of the absence of a strong central administrative authority, it is very difficult for the newly established committee to carry out any specific tasks nationwide. In order to cope with some serious issues of the confederation, the Committee decided to establish a national government consists of the legislative, executive and judicial branches and to elect a national administrative leader. To meet the demand, the constitutional convention is held in Philadelphia in 1787.

One of the most difficult issues facing the framer of constitution in 1787 is how to find a way to elect the president reasonably without any precedents to follow. Another difficulty is that the way of electing the president must ensure the independence of the president, and at the same time it must be technically sound, politically effective and conform to the public opinion. Since delegates agreed with a representative government based on popular consent, they also hoped that it would not be a direct and democratic government where every citizen could participate, which can cause chaos, too. They were eager to establish a government that would be able to elect the most qualified but may not be the
most popular one. To this end, the delegates proposed and discussed two plans in the constitutional convention.

The Virginia plan is put forward firstly. It advocates that the president shall be elected directly by a group of people in the congress, like the way state legislature elect a governor followed by most of the states at that time. It sounds feasible politically and can be implemented easily. But this plan makes the president vulnerable to the other branches and the president can be easily restricted by the legislature. On the other hand, there have been the fears of the conspiracy theory. If a president is chosen by a small group of men who met together regularly, instead of the ordinary people, the dictatorship is more likely to happen. There are also concerns about the independence power of the president if he is elected by the Congress [2]. In a word, The Virginia plan does not meet the basic principle of the separation of power, and the power of the president can be easily manipulated, so it is eventually rejected by the delegates.

The second plan devised by the delegates is to implement a direct election participated by all every American citizen. The purpose of direct democracy is to protect the election process from conspiracy, corruption, intrigue, and faction. But given the vast territory of the United States, and blocked communications and transportation in the 19th century, people actually do not understand the domestic politics well. The election can be easily manipulated by a few conspirators, and a very violent movement that easily leads to the entire society [3]. Thus, there is a lack of confidence in the ability of the general public to elect a president. According to George Mason, on behalf of the people, directing every citizen the right to vote is like making the blind to distinguish colors [4].

The Electoral College is a compromise, compared with the former two types of elections. The system devised at that time provides a runoff election for the top five candidates, the small states supposed that the House of Representatives with each state delegation casting one vote would decide most elections. In order to ensure justice and equity, several regulations are enacted by delegates.

The elector cannot be the congress man who concurrently holds the office of the federal government; The total number of electors should equal the members of both houses of Congress in each state; The voter cannot cast two votes simultaneously to the candidates within the same state; the candidate who wins the majority vote in the Electoral College is appointed as the president, and the second most successful candidates is the vice president. If none of the presidential candidates has a majority vote, or two or more presidential candidates win the second place together, the Senate shall elect a vice presidential candidate from the top five presidential candidates with the largest number of votes.

The Reason behind the Compromise

It is a compromise between the people's direct election and the congress election and a compromise between big states and small states. At Virginia's constitutional confirmation meeting, Madison explains that the system is, at that time, the best way for the people to fulfill their aspirations for the election of the president. It can be seen that the electoral system is created both to satisfy the aspirations of democracy and to avoid the drawbacks of direct democracy. Because of the difficulty of reaching an agreement, both plans have the unavoidable problems and a new electoral system must be created to resolve them. In contrast to the congressional elections, the Electoral College system makes the executive power immune to the legislative power, avoids faction and corrupt parties to control the magistrate and prevents the expansion of congressional power. In contrast to the direct elections of the people, the Electoral College system elects elites and then elects their administrators so as to avoid the restrictions of the people and the lack of understanding of the candidates, as "making the blind as irrational as possible" and avoiding that result. At the same time, it also prevents foreigners from using the public for other attempts.

It is also a compromise between the small states and big states. A direct election can weaken the interest of a small state with a less population. But Under the electoral system, the conflict between small states and big states can be avoided at the greatest extent. The electoral system stipulates that the
electors refer to all the senators and representatives from each state, and this system meets the demand of large states. Because the number of representatives is based on the population of each state, so the large states have advantages. Meanwhile the senators are fixed in each state, which ensures the interest of the small states. This great compromise eases the tension between big and small states. The Constituent Assembly finally passes the plan to vote for the president.

Although there are problems with the Electoral College, it solves two important issues: one is to ensure that the United States has divided its three powers and the other is to avoid the damage to the interests of its minorities. The Electoral College is actually an indirect democratic way of election. Alexander Hamilton in Federalist No. 68 laid out what he believed were the key advantages to the Electoral College. The electors come directly from the people and them alone for that purpose only, and for that time only. This avoided a party-run legislature, or a permanent body that could be influenced by foreign interests before each election [5]. Hamilton explained that the election was to take place among all the states, so no corruption in any state could taint "the great body of the people" in their selection. The choice was to be made by a majority of the Electoral College, as majority rule is critical to the principles of republican government. Hamilton argued that electors meeting in the state capitals were able to have information unavailable to the general public. Hamilton also argued that since no federal officeholder could be an elector, none of the electors would be beholden to any presidential candidate [6].

The Evolution of the Electoral College—“Winner-take-all”

As the emergence of the two-party system, the year of 1824 marks the beginning of the idea of “winner-take-all”. The election of 1824 is most famous for the "corrupt bargain," a deal in the House of Representatives that gave John Quincy Adams the presidency despite his winning fewer popular and electoral votes than Andrew Jackson. The year of 1824 is also significant for another reason: It was the first election in which the majority of states used a statewide winner-take-all voting method for choosing their presidential electors.

The goal of setting the Electoral College is to minimize the social havoc, disturbance and corruption, and to rely solely on the people themselves during the president's tenure. At the beginning period, due to the status of George Washington, the Electoral College system has been operating steadily. However, since George Washington, the emergence of political parties has had a great impact on the system of voters' congregations. With the people's willingness to participate in the election, most of the states adopted the popular election system since 1824.

It is a system that now seems like a fundamental part of the American democracy. Presidential candidates compete to win states, which is how they get votes in the Electoral College. The U.S. Constitution does not mandate that system, however. Instead, it is left up to the states to determine how they select their representatives in the Electoral College. For the first 13 presidential elections, spanning the first four decades of the history of the United States, states experimented with many different electoral systems.

The shift to statewide winner-take-all is not just for idealistic reasons. Rather, it was the product of partisan pragmatism, as state leaders wanted to maximize support for the ideal candidate. Once some states made this calculation, others had to follow, to avoid hurting their side. James Madison's 1823 letter to George Hay, explains that few of the constitutional framers anticipated electors being chosen based on winner-take-all rules. so the winner-take-all plan is an inevitable choice in the long term.

The Limits of the Winner-takes-all System

But in the real case scenarios, the drawbacks of the winner-take-all system are also evident, which brings about controversy.
Candidate with Lower Popular Vote can be Elected

For a presidential candidate, getting the majority votes in a particular area cannot ensure his nation-wide victory, but a small margin fail means the loss of the entire state. This is also the most prominent problem that the current system faces. Throughout the U.S. presidential elections, there are four times that the candidates with the lower number of popular votes win the national election and, eventually become the presidents. In the year of 1876, 1888, 2000, 2016, the most recent case is Republican candidate Donald Trump and Democratic candidate Hilary Clinton. More people regard Hilary as the ideal president, but the winner-take-all system chose Trump eventually. If the popular votes conform to the electoral votes, the design of the Electoral College can be regarded as logically self-consistent. However, this inconsistency has led to a serious question: the president of the United States is the president of people or the president of every state?

Limiting the Development of the Third Party

In each state, because of the winner-take-all policy, the third party can barely win the majority votes. So, it is impossible for the third party to tap the door of the White House, which hinders the Political diversity.

The Rationality of Electoral College

The Electoral College Embodies the Spirit of the United States Constitution

In the constitution of the United States, there is no lack of democracy. However, the founding fathers of the United States think that pure democracy is not helpful in terms of ruling a country, while the right of property, liberty and the pursuit of happiness represented by a free republic is far more important than the pure democracy itself. Madison believes that in a republican government, "the public voice uttered by the people is more powerful in the public interest than the opinions from rallies and conventions". Now, many people over-emphasize the form of democracy but ignore the essence of democracy. Democracy in the United States is a principle of stability based on the assumption of constitution. Otherwise, democracy will become tyranny. According to the constitution, democracy itself does not necessarily include freedom, and pure democracy can even hurt freedom. The check and balance on government power and the Electoral College actually serve as a protection of citizens' rights. In addition to requiring a representative government, a Republic country places more emphasis on multiculturalism in society and protection of different groups, especially the minorities and vulnerable groups, and freedom Protection, the constitutional republic has higher value than pure democracy. The two-party system with the Electoral College respects not only the rule of laws, but also their generally accepted moral values.

The Electoral College System is an Important Guarantee to the Separation of Powers and the Federalism

The basic principle of the political system in the United States is the division of the three powers, the executive power, the legislative power and the judicial power. Therefore, how to allocate and balance the power becomes the key issue in the early establishment of the United States. If the president is elected by the congress, the elected president will inevitably be affected by the congress, which is not conducive to the president’s independent judgments and authority. This is also contradictory to the spirit of separation of powers. At the end of every presidential election, the Electoral College is dismissed automatically. This will not only help the president to give full play to his abilities and talents within the terms of reference set forth in the Constitution, fulfill his duties better, and will also prevent the members of this interim organization from betraying their votes in advance through bribery. The newly elected president will not be subject to the manipulation of the congress or the majority. Therefore, the administrative power will be relatively independent, and the power of the congress and judicial branch will also be effectively controlled, so that the division of power in
The Electoral College brings the stability to the United States’ political system

The Electoral College makes sure that the third party could not emerge as a formidable competitor to the two-party system, thus giving rise to the long term bipartisan ruling by the Democrats and Republicans. The stable bipartisan system is conducive to maintain the political stability of the United States and avoids chaos in which the political parties in some western countries are constantly changing. In general, the two parties in United States take turns to rule the country. There are very few instances in which one party holds the government for a long time from the mid-19th century to the present, most of the time, the two parties take turn to lead the nation, each the ruling party is in power for no more than eight years, this contributed to the stability of politics and prevent the emergence of numerous political parties and social unrest. In each state, it gives people the power of voting and more effectively prevents dictatorships which pose a threat to the foundation of U.S. democracy. In two-party system of the United States, usually the president represents one party, and the other party controls the congress. And the midterm election serves as the shuffle for the congress. So, a dynamic balance is being reached in the American two-party system, due to the Electoral College.

Conclusion

The Electoral College is the wisdom of the founder of the U.S. constitution. Indirect election system is also an embodiment of the representative democracy in the United States. Due to its winner-take-all, there have been a series of problems in the presidential election especially when the popular vote doesn’t match the electoral vote. But in the long term, the Electoral College has maintained a balance between the powers of the three branches, embodying not only the principles of the federal system but also a spirit of the rule of law. As long as the two-party system exists, the Electoral College will still be an important part of the American political system.

References