America’s political system should abolish the Electoral College

If Mitt Romney is looking for a way to contribute to the country, I have a suggestion: Form the Presidential Candidates’ Coalition to Abolish the Electoral College. The recently concluded presidential election showed once more why the Electoral College is a danger to American democracy. Who knows this better than the living presidential candidates?

The Electoral College is an anachronism, a relic of American government that we cannot reconcile with democracy. During most of the constitutional convention of 1787, it was generally agreed that Congress should elect the chief executive. The chief executive would have been a creature of Congress and we would have become the first country to have a parliamentary democracy.

Only toward the end of the convention did the delegates adopt Gouverneur Morris’ idea that the chief executive should be strong and independent. They decided that the states, not the individual citizens or Congress, should decide who would “elect” the president. The votes of the electors chosen by the states would constitute the “electoral college.”

Only three state legislatures immediately instituted popular elections for choosing the “presidential electors.” The other state legislatures decided that their members would choose the electors, ensuring that the electors would be responsible to the legislature. Although most states gradually moved toward popular election of the electors, the states even held their elections on different days until 1845, when Congress enacted a statute designating a specific day in November as the date for elections of the presidential electors.

The flaws in the system appeared in 1800, the fourth presidential election, when there was a tie in the Electoral College between Aaron Burr and then-Vice President Thomas Jefferson. Congress broke the tie in favor of Jefferson. The 12th Amendment to the Constitution was designed to create an improved system.

Yet, on four occasions since then, the candidate receiving the popular vote has not received the Electoral College vote. In 1824, Andrew Jackson won the popular vote, but John Quincy Adams prevailed in the Electoral College. In 1876, Samuel Tilden won the popular vote, but Rutherford B. Hayes prevailed in the Electoral College. In 1888, the incumbent president, Grover Cleveland, won the popular vote, but lost in the Electoral College to Benjamin Harrison.

During the 20th century it was fashionable to say that the Electoral College was anarchonic, but harmless. Occasionally, a “faithless elector” refused to vote for the candidate he had claimed he would support. Because that never changed the result of a presidential election, political observers said, “Who cares?” Every four years, the political parties selected favored party workers to be electors, who then traveled to the state capitals in December after their election and performed a well-choreographed kabuki dance. Then the secretary of state transmitted the electoral vote of the state to the vice president, who then announced the vote to Congress in another kabuki dance.

The anachronism showed how dangerous it could be in 2000, the fourth time a candidate receiving the popular vote did not prevail in the Electoral College. Al Gore unquestionably won the popular vote for the presidency. The vote in the Electoral College came down to the 27 electoral votes of Florida. After a month of recounts and litigation, the U.S. Supreme Court held that Florida’s recount practices violated the equal protection clause and ordered Florida to stop the recount. In effect, the court handed the presidency to George W. Bush. Bush v. Gore, 531 U.S. 70 (2000).

After that decision, a number of Republicans I knew murmured, “It could be us next time,” meaning that a future split between the popular and Electoral College votes could just as easily result in a Democratic president. Yet Congress did nothing. Illinois’ senior senator, Richard J. Durbin, regularly introduces a resolution for a constitutional amendment to replace the Electoral College system with direct popular election of the president. His efforts have failed so far. As one lawyer said, “That’s like asking turkeys to vote for Thanksgiving.” Too many small states fear losing their power.

In truth, the states that have lost their power are the “flyover” states, the ones that are so clearly in either the Democratic or Republican camp that neither candidate spends much time or money campaigning there. Illinois is one; our 20 votes were guaranteed for Barack Obama this year, as were the votes of California and New York. On the other side, it was clear that Texas and most southern states would carry for Romney.

In the end, only nine states were in play. They got all the attention. Even in an era of computers and social media, the candidates concentrated their “ground game” on those “battleground states.” In the last days of the campaign, they reportedly spent $30 million apiece on TV ads in Ohio. When a TV commentator said that the key to the election was Ohio and the key to Ohio was Hamilton County, I thought, “Is Cincinnati going to choose our president?” Clearly, our presidential campaigns are skewed, Nate Silver’s daily statistical reports confirmed that.

At 9 p.m. on Nov. 6, Obama was leading in the Electoral College vote, but Romney was leading in the popular vote. For a while, it seemed as though we’d have a rerun of the 2000 election. Both candidates held off making announcements until the returns from Ohio came in. In the end, the candidates were about three million popular votes apart and we avoided — this time — the dangerous anomaly we had in 2000.


If they banded together, their voice would have great credibility. We could have a real change, one long overdue. Please do it, Mitt.