

# Historical Context of the Electoral College: Framers' Intentions and Modern Validity

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## ABSTRACT

This research delves into the Electoral College's impact on democratic representation, particularly at the state level. It addresses a critical question regarding how this institution influences the demand for representation in a democratic system. To investigate this question, the study uses a combination of simulation techniques and case studies, drawing on data from the United States Census and Governor Election Returns for 2022. The research also employs various analytical approaches to evaluate the scenarios. The central hypothesis put forth in this study is that the application of the Electoral College at the state level can lead to situations where a gubernatorial candidate secures victory while losing the popular vote. This phenomenon is most visible in the third scenario, where elector allocation precedes proportional distribution among counties, revealing significant disparities in population ratios. The research's findings have significant implications for our understanding of the Electoral College's role in elections. They shed light on potential flaws in the current system and underscore the need for reforms to mitigate adverse effects. In summary, this study offers valuable insights into the functioning of the Electoral College, with implications for both the academic field and the broader political discourse. It calls for further research and reform efforts to address the issues identified and ensure fair and representative elections.

## Introduction

In 2016, the world watched as we saw yet another failure of our democracy: a President won the Electoral College while simultaneously losing the popular vote. This occurrence is becoming far too familiar, having happened five times in history and twice in the past six elections, meaning that a candidate can have the support of the majority of the US population but can be denied office because of the ways that the Electoral College operates and values sure votes over others. The US is the only country to elect its president this way, in an openly criticized, condemned, and deemed undemocratic system. The Electoral College was created at the Constitutional Convention in 1787 as a compromise between delegates who wanted Congress to select the president and others who wanted a direct national popular vote. The Electoral College is a group of intermediaries designated by the Constitution to choose the President and Vice President of the United States. Each of the 50 states is allocated Electors equal to their number of Representatives and Senators, which are reallocated every ten years according to the US Census, and the District of Columbia receives three electors. Each state awards all of its electoral votes to the popular vote winner within that state in a "first-past-the-post system," except Maine and Nebraska, who split their electoral votes based on the popular vote winner of their congressional districts. When a candidate wins 270 or more votes out of the 538 in the Electoral College, they are awarded the Presidency, regardless of the popular vote result.

This paper examines the Electoral College's influence and how it impacts democratic demands for representation. Through my research and experimentation, I show that the Electoral College amplifies differences in representation and gives voters a false sense of power, especially in swing states.

## Theoretical Overview

By design, the Electoral College provides differential power to voters based on differences in their demographics. Robert Dahl, author of *How Democratic is the American Constitution?* (2003) wrote a chapter about how the system to elect the president works and the Framers' goals when they created this election system. In this chapter, he states that the Framers settled on the Electoral College because they had run out of alternatives. This method would focus on establishing their primary goals: 1) to prevent citizens from having full power to elect the President while giving some of that power to a higher-class body, and 2) to equalize the power between smaller and larger states. Failures

of their system were realized almost immediately, with the Election of 1800 highlighting the possibility of a tie and shattering the hope that the Electoral College would separate from partisan politics.

Then came the development of major political parties, which turned the role of the Electoral College into another way of counting votes and put the voting power back into the hands of the people. As history continued, three inherently undemocratic aspects of the Electoral College remained: the ability of a candidate to win the popular vote and lose the electoral vote, the power of a candidate to win the election with a minority of the popular vote, and unequal representation of voters in different states. Additionally, a winner-take-all system gives certain states advantages over others. For example, it reduces the incentive for candidates to compete in 'safe states,' where one candidate is assured to win that state. Consequently, candidates tend to focus their campaigns in 'swing states' that are expected to poll either way. Secondly, it reduces the incentive for third-party candidates to run for office because they have no realistic chance of winning any state's votes under this system. Finally, the Electoral College lowers the incentive of people in safe states to vote because if a candidate of a particular party is essentially guaranteed to win, an individual vote (especially against that candidate) is rendered insignificant.

Due to the history surrounding the inception of the Electoral College, it also discriminates against minority voters, in both past and present. At the time of the Constitutional Convention, the Northern and Southern states had roughly equal populations, but enslaved people, who were not given voting rights, made up a third of the Southern population (Lau, 2021). These Southern states objected to a popular vote, as their states would have been disadvantaged and had less electoral representation. This conflict led to a compromise in the Three-Fifths Clause, which allowed 3 out of 5 enslaved people to be counted as part of a state's total population, incentivizing Southern states to adopt the Electoral College, as it would allow them to gain more electoral power without having to give enslaved people the right to vote. 93% of the country's enslaved population were in these Southern states, increasing the size of the South's congressional delegation by 42% (Codrington III, 2020). This increased political influence contributed to an almost interrupted trend of presidential election wins by Southern slaveholders until Abraham Lincoln's victory in 1860. This trend of diluting minority votes continued throughout the 19th and 20th centuries and is still present today. After the Civil War and the end of slavery, the 14th and 15th Amendments were introduced, giving African Americans citizenship and voting rights.

Because of this, new methods were developed to keep this group away from the polls and were written into state constitutions when Southern states officially adopted Jim Crow laws. These new laws included citizenship paper requirements, a literacy test, a grandfather clause—meaning that you were only allowed to vote if your grandfather had voted—and poll taxes. As many black families were transitioning out of slavery and starting their own lives, they did not have an education or a large amount of money, meaning that these restrictions effectively made the polls inaccessible to them (Keyssar, 2020). This was essentially an extension of the three-fifths clause because while minorities were stopped from voting, they were still counted towards a state's population and its number of electoral votes. This discrimination was officially ended with the passing of the Voting Rights Act in 1965, which made voting rights equal for every race. However, there are still ways that the current system disadvantages black voters. Many black families still live there because most slave-

owning states were in the South. These states consistently poll overwhelmingly Republican, meaning Democratic candidates have little incentive to campaign here. Democratic votes from these minority groups have little to no impact on national elections (Codrington III, 2020).

Another way that the Electoral College disadvantages voters is through the differences in representation between urban and rural communities. A central feature of the Electoral College is that each state automatically receives two Electoral votes to represent its Senate members. This gives a disproportionate advantage to smaller states, as their electoral votes-to-population ratio becomes much lower than in bigger states. This disproportionate representation also impacts the Presidential race, one of the main factors that can lead to a candidate winning the popular vote but losing in the Electoral College. Rural voters tend to vote Republican due to multiple factors. The first is economic exploitation, as metropolitan cities rely on the goods and resources from rural areas, meaning that people in these rural areas have little control over their economic future. Another reason is the media concentration because highly partisan news dominates and biases rural America. The final reason for this is the abandonment of the rural community by the center and the left because, before the 2016 election, many political and economic thinkers thought that rural America was becoming irrelevant in political life (Molinaro & Spjeldnes, 2021). Giving more power to urban areas was a deliberate decision by the Framers, who did not want urban areas to have complete control over political decision-making. Demographic patterns nationwide show that Democrats tend to condense in urban areas. At the same time, Republican voters are distributed across the country, giving the latter group more power in the Electoral College. The concentration of Democrats in cities has led to a systemic underrepresentation in Congress. The Democrats emerged as an urban party during the New Deal, when they formed links with labor unions and won the support of industrial workers in cities. Republicans formed similar alliances with rural and exurban groups (Witte, 2019). Because our legislative representation takes place through a winner-takes-all system, Democratic candidates win by overwhelming majorities in large cities and lose by relatively small margins elsewhere.

Finally, the Electoral College disadvantages voters by giving them a false sense of power. As mentioned by Dahl (2003), the nature of the Electoral College values certain votes over others and unfairly disadvantages voters inherently based on demographic information like race and geographic location. As mentioned, Senate representation in electoral votes gives more power to smaller states. For example, in Wyoming, one electoral vote represents 193,000 people, while in California, it represents over 700,000. This gives Wyoming residents four times more power than Californian ones. These disparities will likely increase as the most populous states are expected to account for a growing share of the U.S. population in future decades. Additionally, due to the winner-takes-all method of a candidate receiving Electoral votes from a state, any votes over the 50% margin are essentially uncouneted because a candidate receives all of a state's electoral votes regardless of the margin they win that state by. This means that voters in states with a heavy partisan lean have a lower chance of impacting the election, and public awareness of this fact lowers voter turnout.

Additionally, Dahl (2003) mentioned that the existence of 'safe' and 'swing' states means that states like California and Texas, which are essentially guaranteed to poll Democratic and Republican, respectively, are generally not visited by candidates compared to their swing state counterparts, where candidates are focusing the majority of their time and spending. For example, in the 2020 election, the majority of the money spent by both candidates on media advertisement was highest in Florida, Pennsylvania, Arizona, Michigan, and Wisconsin—very competitive states that could poll either way. This disadvantages voters in safe states, as they receive less information and attention from the candidates. Finally, voters are given a false sense of power due to the existence of electors. Under the Electoral College system, voters are not directly voting for the President but rather for which party of Electors from their state will cast that state's Electoral votes. Historically, states have expected their electors to honor the will of the voters, but the Constitution does not require it. This allows for situations where faithless Electors vote against the popular vote winner in their states. Only 33 states and the District of Columbia require their Electors to vote for the candidate pledged, and only fourteen states require faithless Electors to be removed and their votes to be canceled. As a result, the Electoral College has led to

differential outcomes between the will of the people and the overall election outcome five times in history, in 1824, 1876, 1888, 2000, and most recently, with Donald Trump in 2016. Using individual states as an example, we can illustrate how the Electoral College orchestrates different outcomes, hopefully highlighting the kinds of people whose votes are underrepresented in ways that a national Electoral College has yet to acknowledge.

## Data and Analysis Plan

To further determine the responsibility of the Electoral College in skewing election results, I applied the voting system to seven different states: one traditionally Democratic State (California), one traditionally Republican State (Florida), and five swing states (Arizona, Wisconsin, Michigan, Pennsylvania, and Georgia).

For each state, I will use Census data representing each county's population and 2022 Governor Election Results per county as released by each state. The main goal of this experiment is to use an existing election to isolate the effects of the Electoral College and both quantitatively and qualitatively measure its impacts and evaluation of individual votes. I examine this using three different models.

My first model is referred to as the 'Proportional Population Model.' In this method, I assigned votes proportionally to the population of the smallest county relative to each state. I created this model to represent a combination of the popular vote and the Electoral College, equalizing the power that everyone has while voting.

My second model is referred to as the 'Urban Equalization Model.' In this method, I assigned votes proportional to a ratio of 50,000, with counties with populations under this amount receiving 1 vote. I created this model to provide more of a balance between smaller counties and bigger cities.

My third and final model is referred to as the 'House of Representatives Model.' In this model, I assign seats to counties based on the formula for allocating seats to the U.S. House. In essence, states earn Representatives based on their population compared to other states. For me, counties with larger populations gain more electors. I start by giving each county one seat, then increase a county's vote allocation based on the priority number. This priority number is a function of the county population and the number of allocated seats. This model most closely reflects the National Electoral system and makes my experiment relevant in proving my above theories with the necessary evidentiary support. The calculation for the priority number is as follows:

The formula for assigning House seats based on population:

$$A_n = \frac{P_c}{\sqrt{n(n+1)}}$$

Where:

$A_n$  is the priority number used to determine seat assignment for any given seat designated by  $n$ ,  $n$  is the number of seats any county  $C$  currently has, initially 1 at the start, and  $P_c$  is the population of county  $C$  determined by the 2020 US Census.

## Results

Through the models I created, I was able to show many of the effects of the Electoral College and how it manipulates the valuing of votes, including the power it gives to smaller counties, the effects of concentrating voters in urban centers, and how each scenario compared to a popular vote. In the first scenario, votes were assigned strictly based on population, and two votes were added to each county to simulate Senate representation.

**Table 1.** Results for Proportional Population Model<sup>1</sup>

	CA	FL	AZ	WI	MI	PA	GA
Overall	32,914	3,059	821	1,549	4,768	3,074	7,141
D	21,195	539	640	566	3,153	1,940	3,609
R	11,719	2,520	181	983	1,615	1,134	3,532

Most of the results were as expected, with the first scenario results aligning with the popular vote winner in 5 out of 7 cases. The first anomaly was in Wisconsin. Wisconsin has 72 counties, but only 15 voted Democrat, meaning those voters were heavily centered in urban areas. When we added Senate representation, meaning that every county gets an additional two votes, this increased the power of the smaller counties, which were typically Republican. In the case of Wisconsin, Democratic counties received an additional 30 votes, while Republican ones received 114. In the case of Georgia, most counties were Republican. However, the Democrats were still given more votes because of how high their populations were in Georgia's urban centers. So, even with the extra two votes per county inflating the votes of the Republican counties, the population of those counties was still too low to make enough of an impact. However, the voting in Georgia based on the model was still very close; even though the Democratic counties have a population of 476,484 people, their winning margin was only 77. Overall, this model showed some outlying cases where the influence of the Electoral College could change the outcome of an election by giving more power to smaller counties.

The second model aimed to cap the power of those traditionally Democratic urban centers by closing the gap between their high populations and the smaller counties' lower ones, using a ratio of 50,000 to assign votes. Similar to the first scenario, two votes were added to each county's total to simulate Senate representation.

**Table 2.** Results of the Urban Equalization Model

	CA	FL	AZ	WI	MI	PA	GA
Overall	909	590	178	282	390	394	605
D	560	91	127	76	172	194	171
R	349	499	51	206	218	200	434

<sup>1</sup> For Tables 1, 2, and 3, the columns represent each state studied, as indicated by the header row. Colors in the header row indicate who actually won the governor's race in 2022. Row 1 of each table represents the overall number of Electors allocated to the state under each scenario. Rows 2 and 3 show how many of those Electors would be Democrat or Republican voters, respectively. Cells are colored in green to show which party had more electors, the Democrats or Republicans, for each state. This is computed by the roles of the scenario outlined in the Data and Analysis section. Columns are bolded if the outcomes of the scenario differ from the actual results.

While the races were consistent in the strongly leaning states, the model did narrow the margins between each party. However, this model overturned races in 3 out of 5 swing states. I expected these results because the goal of the model was to diminish the power that urban centers held over smaller counties. In the case of Wisconsin and Michigan, the two votes added to each county for Senate representation were enough to give more votes to and allow the Republican candidate to win those states. The opposite was also seen in Georgia, where their urban centers were given enough power to swing the elections in the first model. However, in this second model, when the urban centers and rural areas were relatively equalized, the 134 Republican counties were given an additional 268 votes, allowing them to win the election. Overall, this model showed how the Electoral College gives an unfair advantage to smaller counties when it adds Senate representation because it gives those counties, typically Republican, a disproportionate amount of power compared to the power those extra votes give to the typically Democratic urban centers.

The third model aimed to represent the national voting system most accurately by using a similar algorithm to assign votes to the one used when assigning seats to the U.S. House of Representatives. The main goal of this model was to make my theories relevant to our election system.

**Table 3.** Results of the House of Representatives Model

	CA	FL	AZ	WI	MI	PA	GA
Overall	236	254	80	297	316	284	568
D	118	27	47	82	113	118	145
R	118	227	33	215	203	166	423

This scenario showed that election results changed when the Electoral College system was applied in 4 out of the seven states I chose for my analysis. The most extreme example was in California, a heavily leaning Democratic state, where the power given to smaller counties was enough to tie the election, when the Democratic candidate for governor won by almost 20%. The system also flipped election results in Wisconsin, Michigan, and Pennsylvania. Overall, the results in this scenario highlighted many of the problems with our current election system, including the urban and rural differences and how adding senators unfairly inflates counties with smaller populations.

## Discussion and Conclusions

The Electoral College has been a fundamental component of the United States and its presidential election process for over two centuries. Throughout history, its validity has been both widely defended and widely debated. This paper has examined various concepts, including the racist origins of the Electoral College and how that has translated throughout history, how the urban/rural political divide impacts the Electoral College, and how the Electoral College deceives voters by giving them a false sense of power in what their vote represents and is worth, aiming to quantify the effect that the Electoral College has on democratic demands for representation. I applied the Electoral College to individual states and their governor's races to answer that question using a proportional population model, an urban equalization model, and a House of Representatives model. My results suggested that a voter's power is affected by their residence. If their views align with the majority of the state, the Electoral College reflects those views. However, if they are in a swing state or a state with



contrasting views, the Electoral College might not adequately represent their vote. Such disparity is rooted in the historical patterns of the country that have shaped the electoral system.

However, this study has limitations. The design of my study relies on a gubernatorial election in 2022. Since this is not a major presidential election year, turnout is often lower. The nature of governor races differs from Presidential races in that they are less well-known or well-advertised. Nonetheless, this type of election is still helpful in demonstrating how an Electoral College system would work on a more detailed level. By capturing the results for each governor race by county, we can capture and account for urban-rural differences in election outcomes, similar to how the Electoral College might do so on a federal level.

In addition, we show that the winner-takes-all process of voting for electors who then choose the executive does not reflect the views of all participating voters. Also, operating on a smaller level than how the Electoral College is traditionally used allows us to capture the nuanced differences between communities not seen on the federal level. In terms of future expansion on these concepts, my paper briefly covers systemic racism of Black Americans and how that has contributed to underrepresentation in the Electoral College.

However, I believe that more research could be done on this topic and even expanded into the more significant effects of systemic racism on politics as a whole, including public perception of political issues about race and how/if racial disparities are seen in the government systems in other countries. Through my research, I demonstrated the need to reevaluate and adapt our electoral system to reflect better the democratic principles upon which the United States was founded. As our nation continues to evolve, so too should our institutions. They must remain open to scrutiny and reform to ensure that they serve the best interests of the American people and uphold the principles of fairness, representation, and equal voice. Ultimately, the future of the Electoral College will remain a topic of great importance and will shape the course of American politics for generations to come.

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