Evaluating the Electoral College and Its Alternatives Using Nine Criteria

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In light of the 2000 election, one might expect the issue of reforming or abolishing the Electoral College to be much discussed by the public and extensively analyzed. But since George W. Bush's Electoral College victory, in spite of a popular vote deficit, such issues have neither risen on the public agenda nor received much scholarly attention. Robert Dahl has recently labeled the Electoral College one of the most undemocratic elements of the U.S. Constitution, and Arthur Schlesinger has concluded that the Electoral College should be profoundly modified, but they represent eminent exceptions to the general lack of interest in the issue.[1] Most anthologies on the 2000 election give scant, if any, attention to the Electoral College, and the few political scientists who have addressed the issue have reached no consensus about it.[2]

In his analysis of just electoral procedures, Dennis Thompson argues that "reform proposals revived after the 2000 election deserve serious consideration."[3] To incorporate the concerns, theories, and findings of political science into such a consideration of Electoral College reform, we organized 37 political scientists to deliberate on the implications of the Electoral College and six major alternatives to it for various aspects of our political process. We have previously reported that, at the end of the project, the Electoral College was more supported than any of the alternatives.[4] This paper extends that analysis by evaluating our current system and the alternatives in terms of nine criteria for just and effective elections. This analysis reveals

more clearly the strengths and weaknesses of various arrangements for choosing our president and suggests why political scientists are generally supportive of the Electoral College.

The Electoral College and Its Alternatives

To review briefly, the Electoral College now selects the American president by aggregating votes in two stages. The first comprises popular elections in the 50 states and Washington, D.C. Except for Maine and Nebraska (see below), the candidate winning a popular plurality in each state receives *all* of the votes allocated to it in the College (each state gets as many electors as it has congressional representatives and senators.) The second stage is a national count of electoral votes won by candidates on a state-by-state basis. If one candidate gets a majority (270) of the 538 electors, that individual becomes president. Complications can, of course, arise. For example, if no candidate gets a majority of electoral votes, a "House contingency" election is constitutionally required. Although such complications have not much affected outcomes of presidential elections, the Electoral College's procedures remain controversial, as demonstrated by the 2000 election.

The most obvious criticism of the College is that the candidate with the most popular votes can lose the electoral vote count. Another frequent criticism is that the winner-take-all feature (the unit rule) denies representation to supporters of losing candidates – even if they comprise large minorities within states – when the states cast their electoral votes. Such problems have led to more than 1000 proposed constitutional amendments to alter or abandon this system. We focus on three plans that retain but reform the Electoral College and three plans that would abolish and replace the current system.

Electoral College Reforms

*The District Plan***.** This reform would have other states adopt the system employed in Maine since 1972 and in Nebraska since 1992. Each state would conduct popular elections, with a plurality winner, in each congressional district, as well as a statewide popular-plurality election. Each district's winner would get one electoral vote, and the candidate with the most statewide popular votes would receive two electoral votes (based upon its having two senators). By abolishing the statewide unit rule, this reform would arguably make the Electoral College more representative. In 2000, under these rules, Bush would have defeated Gore by an estimated 288 to 250 margin— increasing the discrepancy between the national popular vote and the Electoral College result[5].

Proportional Allocation. This reform also eliminates the unit rule for states, but ignores congressional districts and allocates electors proportionately according to a candidate's popular votes in each state. Proportional allocation schemes must address "the rounding problem" that occurs when strict proportionality results in fractional electoral votes. We considered only systems in which electors would be allocated in proportion to popular votes received throughout the state with rounding decisions favoring the candidate(s) with the largest number of votes. Such rules would not have clarified the presidential winner in 2000. Allocating votes by rounding to the whole elector in favor of the candidate with the most votes within each state produces a 271-264 Bush victory, with Nader getting three electoral votes. Rounding to the tenth of an elector, always favoring the candidate with the most votes in a state, the electoral vote tally would have been Bush 260.9, Gore 259.1, Nader 13.8, and other candidates 4.2. The more complicated d'Hondt system of proportional representation would have given Gore 268, Bush 267, and Nader three electoral votes.[6] Under the last two schemes, the House would have

selected the president. Because the majority of state delegations were controlled by Republicans, Bush would presumably have prevailed.

The National Bonus Plan. This recasting of the Electoral College -- recently championed by Schlesinger -- retains the winner-take-all provision adopted by most states. The current 538 electors would cast their ballots according to existing rules, but there would be a concurrent national popular contest, whose winner would receive 102 "bonus" electoral votes.[7] Like the district and proportional allocation plans, this scheme seeks to democratize the Electoral College, but its conception of democracy focuses less on representation of diverse interests and more on achieving popular sovereignty. By winning the "bonus electors," Gore would have achieved a decisive victory in the 2000 election. In effect, the bonus plan changes the presidential election process into a *de facto* popular-vote contest.

Abandoning the Electoral College

More direct approaches to achieving popular sovereignty in presidential elections -- and avoiding a possible mismatch between the popular and electoral vote -- involve abolishing the Electoral College and adopting various national popular vote schemes. We consider three.

A National Popular Vote with Plurality Rule. Under the "popular-plurality" system, citizens throughout the country would cast their ballots for a single presidential ticket, and the one with the most votes would win. Just as county borders are irrelevant when governors are chosen through statewide popular-plurality elections, state borders would be irrelevant to our presidential election. With a national margin of 540,000 popular votes, Gore would have won a narrow but convincing victory in 2000, all things being equal. But many other changes -- such as a more extensive array of candidates on the ballot -- could accompany adoption of this electoral rule, and outcomes cannot be easily predicted.

A National Popular Vote with a Majority Rule. Under a popular-plurality system with multiple candidates, the highest vote-getter could win with a relatively small vote percentage. Some reformers have thus suggested that a runoff election be held between the top two vote getters if neither reaches a certain threshold. For example, in 1969 the House supported a constitutional amendment that would select the president using a direct popular vote and required a run-off if no candidate secured 40 percent of the vote. A "popular-majority system" is a variant of such a reform proposal – one that sets the threshold at 50 percent because of the importance of majority rule in democratic theory. In 17 presidential elections, no candidate won a majority of the popular vote, so runoffs would probably be common under this procedure. Since neither Gore nor Bush secured a majority of the popular vote in 2000, they would have competed directly against each other in a runoff. Nader voters might have switched to Gore, leading to his ultimate victory, but such a prediction is highly problematic, especially given a tendency for runoffs to have lower voter turnouts.

A National Popular Vote with an Instant Runoff. This variant on the above popular majoritarian proposal -- known as the "single-transferable vote" or "alternative vote" method in the comparative electoral systems literature[8] -- merits consideration as a separate proposal. Here, voters rank-order their presidential preferences, rather than select one candidate. Most instant run-off proposals allow voters to indicate their first, second, and third choices. The top choices of all voters are initially counted, and if no one gets a majority, computer technology "instantly" recalculates the results. The candidate with the fewest first-place votes is dropped from consideration, and his or her ballots are transferred to the second-ranked candidate. If this does not produce a majority result, the candidate with the next lowest first-place vote total is eliminated and his or her votes are transferred. This process repeats until one candidate attains a

majority. We do not know which candidate would have prevailed in 2000 under an instant runoff system, but given Nader's constituency, a Gore win seems most likely.

The Analysis of Presidential Election Systems

Walter Berns points out that we can evaluate such alternative electoral systems either deductively or inductively.[9] In a deductive approach, analysts begin with a priori principles, such as achieving an outcome consistent with "the will of the people," having votes count equally, or devising counting systems that meet logical criteria for fairness, and then use deduction to determine which alternative best satisfies the agreed upon criteria. Evaluating electoral systems in this way, public choice theorists have reached two important conclusions. First, they have demonstrated that the idea of "the will of the people" – the criterion most cited by opponents of the Electoral College – is vacuous, because the outcome preferred by most citizens can only be determined by counting votes. Since different methods of counting votes can lead to different outcomes, at least when voters are fairly evenly divided, there is no independent measure of the will of the people against which one can assess the alternative methods. For example, if one candidate would win under a plurality rule and another would win in a runoff with a majority rule, what is "the public will"? Second, public choice analysis leads to the conclusion that "no one method satisfies all the conditions of fairness that have been proposed as reasonable and just. Every method satisfies some and violates others."[10]

These conclusions suggest the need to evaluate the Electoral College with an inductive approach that inquires into the broader implications and likely consequences of different systems. Because electoral reforms may have some consequences that seem desirable, others that seem undesirable, and still others that provoke conflicting judgments among people holding different values, any such analysis is unlikely to produce a consensual evaluation. Still,

examining the consequences of alternative electoral systems can allow for well-founded judgments about these questions. Some feared consequences may have little basis in fact or theory, or they could be relatively inconsequential. Conversely, some important, nonobvious impacts may be identified. A thorough inductive analysis of the Electoral College and its alternatives must not omit consideration of potentially important consequences, so a broad analytical framework is essential.

To facilitate broad assessments, we organized 37 political scientists into nine groups to explore the implications and impacts of our seven options on various aspects of the American political system.[11] Each group discussed the issues via e-mails and wrote papers exploring the implications of the Electoral College and its alternatives for their topical areas. These papers became the basis for both a quantitative collective choice among electoral systems and for qualitative assessments of each system. To attain the collective choice, we circulated executive summaries of the chapters and asked participants to vote on our options. To attain qualitative assessments, we studied their papers, identified evaluative criteria based on the matters that most concerned our participants, and drew upon their disciplinary expertise to reach judgments about how well the Electoral College and its alternatives fared on the resulting criteria.

The Electoral College as a Collective Choice

As previously reported, we measured our support for electoral systems using both approval voting and the rank ordering of alternatives.[12] The Electoral College was approved by 24 of our 37 participants. In contrast, no alternative was approved by a majority of our participants. Compilations of our rank-order votes confirmed the group's preference for the Electoral College. Although only 15 participants regarded the College as the best method of choosing our president, we could find no method of counting votes that led to any alternative

defeating the Electoral College as our collective choice. For example, the Electoral College easily defeated the alternatives in our "Borda Count" and emerged as "our Condorcet winner," beating each of the alternatives in head-to-head competition by substantial margins.[13]

Project participants were much more divided about what is the best alternative to the Electoral College. Between eight and sixteen participants approved of each alternative, and each was the most preferred electoral system of at least two participants. Indeed, our conception of the most preferred alternative to the College varied depending on the method used to count our ballots. As in the country as a whole, most participants in this project did not regard the Electoral College as the best system of selecting a president, but we are far from reaching agreement on a replacement.[14]

Qualitative Assessments of Our Principal Options

Voting provided quantitative measures of our collective judgments, but our project's primary purpose was to reach qualitative assessments about our options. Such evaluations are best guided by specific standards or criteria regarding the effectiveness and fairness of each option. In their discussions and papers, project participants kept coming back to how the Electoral College affected such things as voter equality and participation, presidential legitimacy and capacity, and how various reforms might alter other aspects of our political life. Drawing upon these exchanges, we identify nine standards of assessment.[15]

Simplicity. Is the system familiar and easily understood by citizens, or is it complex and confusing in its design and operation?

Equality. Do the votes of all citizens have equal formal value and thus count equally under each system?

Neutrality. Voting systems that are formally equal can have characteristics that interact with other political and social conditions to create biases that challenge our conceptions of fairness. Is the voting system neutral or does it can contain built-in advantages favoring certain types of voters?

Participation. Does the electoral system encourage citizen participation by increasing the benefits of voting and the incentives of political organizations to get out the vote? Or does it reduce citizen participation by making voting inconsequential or by reducing incentives for the mobilization of supporters?

Sincerity. Voters act sincerely when they can readily locate candidates who represent their principles and interests and when they are encouraged to vote for such candidates. Sincere voting is undermined when citizens have difficulty locating a candidate whose views match their own or when they are encouraged to be "sophisticated voters" who do not "waste votes" on sincerely preferred but unelectable candidates and vote instead for "the lesser of two evils" among those having a realistic chance of winning. Citizens gain opportunities for sincere voting when electoral systems enable a wide variety of parties and candidates to be credible contenders for office. Sincere voting is undermined by electoral systems that reduce effective voter choices to two candidates who hold similar views and represent similar interests. Does a system promote or undermine sincere voting?

Legitimacy. Electoral victory is the principal means by which our presidents acquire legitimacy, the constitutional right to exercise the powers of the office and the moral obligation of others to obey the just commands of presidents. Legitimacy can be undermined when people question the fairness of the results because of the complexities and potential irregularities of the electoral process. How well do various systems deal with threats to legitimacy?

Governance. Effective governance occurs when public officials can enact and implement policies that address social and economic problems, but the capacity to govern in a pluralist society requires achieving considerable consensus on policy goals and limiting the capacity of opposing interests to cause stalemate. The American system of separation of powers is intended to make governance difficult but, historically, our party system - dominated by two relatively centrist parties - has facilitated some effective governance. Governance would be most difficult to attain if control over governmental institutions were fragmented among many parties, each representing narrow interests and/or uncompromising ideologies. Which electoral systems are most conducive of the kind of party system that enables effective governance given our separation of powers?

Inclusiveness. Inclusiveness refers to the diversity of interests and ideals included within electoral and governing organizations. Inclusive parties and campaigns craft platforms that appeal to the interests of disparate groups and express broadly accepted principles. Inclusive governing coalitions adopt and implement policies that spread benefits and burdens broadly among the public and embody widely accepted notions of the common good.[16] Not all campaign organizations are inclusive, because they see gains in appealing to more narrow interests even if they lose or because they believe they can achieve a narrow victory without having to spread the spoils of victory broadly or without having to compromise their ideological principles. In contrast, inclusive organizations seek broad supra-majorities. Successful inclusive campaigns win support across the ideological spectrum and from groups representing many interests. Successful inclusive governing coalitions find policies that are widely supported. Are some electoral systems better able to encourage inclusive campaigns than others?

Feasibility. The difficulty of amending the Constitution and the opposition of major interests are among the obstacles to various reforms. Do any of the six alternatives to the Electoral College have a reasonable chance of overcoming these obstacles?

These criteria are not intended to be exhaustive,[17] nor are they intended to facilitate easy evaluations, given their inherent tensions. For example, electoral systems that facilitate sincere voting may require a multiparty system that enables voters to locate like-minded candidates and that does not contain a built-in advantage for major parties. Electoral systems that produce effective governance may require two centrist parties to dominate electoral outcomes and cooperate in policymaking after elections.

These criteria are intended to facilitate analysis and informed judgments about the most important implications and impacts of the Electoral College and its alternatives. Table 1 indicates the predominant assessments about these matters made by the participants in our project.[18] To be sure, some participants hold different assessments than those provided here, suggesting the tentative nature of our knowledge about electoral systems. Our participants also disagree about the relative importance of the various criteria. Such disagreements, of course, underlie the lack of consensus among us about maintaining, reforming, or abolishing the Electoral College.

[Table 1 goes here]

At first glance, the qualitative evaluations summarized in Table 1 seem to belie overall support for the Electoral College, as various alternatives appear to receive more positive assessments on these criteria. After addressing the qualitative judgments provided in Table 1, we conclude by considering interpretations that may help reconcile the apparent discrepancies between our quantitative votes and our qualitative judgments.

The Electoral College

The Electoral College has deficiencies. It is complex. Many citizens do not realize that they are in fact voting for electors rather than directly for a candidate. Most voters have only the crudest understandings of the unit rule, the casting of electoral votes, or the possibility of the House of Representatives deciding the final outcome.

The Electoral College perpetuates inequality, as the value of a vote is not equal for all citizens. Because all states are provided two electors regardless of population and because of other anomalies that arise in the allocation of electors among states (such as the changes in population size that occur between a census and an election), the value of voting is greater for citizens living in small states than for citizens of more populated states. There are, for example, 119,000 voters per elector in Wyoming compared to more than 450,000 voters per elector in Florida, Texas, and California.[19] However, this apparent deficiency can be discounted as being a legitimate element of our federal system, a feature that gives states qua states (as well as citizens) a role in presidential selection.

Also problematic are the perceived biases in the Electoral College. Most obvious is the bias in favor of citizens in the relatively large, competitive states who are most courted by the candidates because of their capacity to deliver a block of electoral votes in a close election. Candidates do expend more resources seeking crucial votes in such states, and some groups in these states may receive promises of favorable policies. Because the Electoral College encourages candidates to focus on "swing voters" in large "battleground states," all citizens are not treated equally under its current rules. Some conventional wisdom adds that minorities and the poor are disproportionately residents of such states, giving rise to the notion that the Electoral College contains a built-in advantage benefiting African Americans and the urban poor.[20] While

such an advantage might be considered desirable and even just,[21] we doubt its existence, both because minorities and the poor are not particularly concentrated in large swing states and because such citizens are often ignored or taken for granted. In short, the Electoral College does create circumstances where particular voters are advantaged in particular elections, but changes in the states regarded as important battlegrounds and in the groups seen as crucial to a winning coalition make it difficult to generalize about the Electoral College's persistent advantages or disadvantages.

The Electoral College is also criticized for curtailing voter turnout, especially in states where the outcome is preordained. But no convincing research demonstrates that the Electoral College significantly reduces citizen participation, perhaps because presidential elections occur simultaneously with other elections. In addition, the Electoral College may well discourage sincere voting. Because of its winner-take-all feature, potential supporters of third-party and independent candidates are encouraged to be sophisticated voters who cast their votes for the lesser of two evils among the "electable" major-party candidates, which helps prevent their least preferred candidate from getting all the electors in one's state.

The Electoral College is thought to enhance presidential legitimacy because it frequently converts slim popular vote margins into decisive electoral vote majorities. For example, Richard Nixon defeated Hubert Humphrey in 1968 by less than one percent of the popular votes, but he won by a 301-191 margin in the Electoral College. But the Electoral College can also undermine legitimacy. If no candidate wins a majority in the College and the task of selecting the president falls to the House of Representatives, the public could feel deprived of its right to determine the president and thus question the legitimacy of the person so selected. In the immediate aftermath of the 2000 election, many commentators and scholars predicted that Bush's legitimacy would be

questioned because of the discrepancy between the outcome of the popular vote and Electoral College tally. However, both historical and contemporary events suggest that the Electoral College has effectively conferred legitimacy even when the House contingency has been invoked (as it was in 1824) and when the president has lost the popular vote (as in 1876, 1888, and 2000). Only in 1860, in unique historical circumstances, has the system failed to produce a clearly legitimate winner.

The Electoral College is considered an important ingredient for effective governance in Washington because it helps maintain our two-party system with relatively centrist parties. The key to this result is the popular-plurality elections in the states that comprise the first stage of the Electoral College system. The "first-past-the-post" feature of these elections, combined with the unit rule, discourages third-party and independent candidates from competing and discourages voters from "wasting their votes" on such candidates. The Electoral College thus reinforces the two-party system and minimizes the influence of third parties. At worst, national governance has been complicated by divided government, but even if one party has controlled the presidency while the other party has controlled at least one branch of Congress, complete gridlock has normally been avoided by the pragmatic, centrist tendencies of the major parties. At best, the two party system encouraged by the Electoral College has resulted in one party controlling both the presidency and Congress, enabling passage and implementation of programs responsive to widespread public concerns and preferences.

Electoral College supporters claim that the institution is particularly effective at building inclusive campaign and governing organizations, because its rules make clear to presidential aspirants that they need support that is broadly distributed across the states to win the requisite majority of electors.[22] Candidates whose appeal is limited to "the Southern vote" or "the urban

vote" or "the farm vote," while ignoring other aspects of America's diversity, are unlikely to succeed.[23] Nevertheless, it is questionable whether the Electoral College generates the kinds of supramajoritarian campaigns and governing coalitions attributed to it by its defenders. Certainly, various ethnic and lifestyle groups feel ignored by both Democratic and Republican candidates. Other groups, like African-Americans, often feel taken for granted and not actively courted. Campaigns have clear notions about where their key votes do and do not lie, and they tend to ignore supporters in safe states and groups that they believe are unnecessary to building a winning electoral coalition in key swing states. Abolishing the Electoral College and adopting a national popular plurality system might remove such disincentives for inclusive politics, as all types of voters would be equally valuable in achieving electoral success.

National Popular Election with Plurality Rule

The popular-plurality system is unquestionably the simplest electoral system and is often equated with "democracy -- pure and simple." We all regularly participate in popular elections with plurality decision rules, and this system is currently used in the first stage of the Electoral College system to allocate electors. A national popular-plurality system would avoid the present inequalities in the value of the vote for citizens in different states, as votes would count equally and matter equally, wherever they are cast.

Additionally, the popular-plurality system might reduce bias in favor of the major parties and encourage sincere voting. Because the plurality rule permits a candidate to win with a fairly small percentage of votes, it encourages the development of numerous candidates, including those who might appeal to sincere voters with views outside the mainstream. But popular-plurality elections still contain "first-past-the-post" decision rules that confer victory to the one candidate who polls the most votes. This gives candidates incentives to express more

mainstream views while discouraging citizens from "wasting their votes" on fringe candidates. In short, the popular-plurality system reduces but does not eliminate the two-party biases and disincentives for sincere voting that characterizes the Electoral College system.

A national popular election could marginally increase voter participation. Compared to the Electoral College, citizens would have more incentive to vote in a close national race, even when their own state's outcome is preordained. But it is doubtful that a popular-plurality system would significantly increase voter turnout, as each voter's capacity to swing the election would remain miniscule and people's decisions to vote are predicated on numerous factors more important than the electoral system in effect.

Popular elections decided by the plurality rule have conferred legitimacy on most governors and legislators in the states throughout our history, but presidential elections of this sort may raise problems. First, if citizens dispersed their votes broadly among many credible candidates, the winner could have far less than a majority of the votes, raising doubts that his mandate is sufficiently wide to confer legitimacy. Second, if the national popular vote were extremely close, the outcome could be in doubt as allegations of fraud and miscounts are made, investigated, and perhaps never completely resolved in precincts and counties across the country.

The popular-plurality scheme retains the advantages of two-party politics for achieving effective governance within our separation-of-powers system. Because the entire nation, not just a few competitive states, would be "in play," the relationships between a party's candidate for the presidency and its congressional candidates would be strengthened. The president's electoral "coattails" might help elect more members of Congress from the same party. As a result, we might end up with less divided government, and thus more effective governance under the popular-plurality system.

Incentives for building inclusive campaigns when popular-plurality methods are employed would seem to depend on the competitiveness of the national race. If one party is dominant or one candidate has an insurmountable lead, there would be little incentive for campaigns to seek even larger majorities. If two parties are engaged in a close contest, each would be prompted to appeal to undecided and crucial blocs of voters. And if many parties competed in a closely contested election, some parties may opt for inclusive strategies while others pursued victory by appealing to an ideologically committed core group of supporters. There remains an outside chance that an extremist could win a popular-plurality election in a multi-candidate field and govern in a manner that ignored the interests and ideals of most citizens.

Efforts to abolish the Electoral College and replace it with a national popular vote are not very feasible. There are huge institutional obstacles to amending the Constitution, including securing the approval of many states that are advantaged by the present system. Nor would major party leaders be likely to eliminate a system that has helped reduce competition from new and third parties.

The National Bonus Plan

The national bonus plan is a hybrid of the Electoral College system and the national popular-plurality system. Although the national popular vote element of the scheme is simple, the overall result is an electoral system that is, at least formally, a bit more complex than the existing system. The inequalities in the value of the vote that occur under the Electoral College would be retained but reduced. Voters in small states would keep their advantages in choosing a disproportionate number of electors in the College, but the practical importance of this inequality could disappear, as the winner of the national popular vote would almost always prevail.

Electors would all be determined under first-past-the-post rules, which would continue to encourage voters to cast strategic votes for electable candidates from the major parties. Thus the national bonus plan might be judged deficient in terms of promoting sincere voting and in terms of neutrality. Although the national bonus plan would continue to have a built-in advantage favoring the major parties, it would likely reduce another kind of Electoral College bias that favors large swing states. The most important unit to be won under this plan is the nation as a whole. Candidates would seek to reach voters throughout the country, although campaigns would probably still "hunt where the ducks are" and invest more resources where they can win the most votes.

We would expect the national bonus plan to operate like the national popular plurality system and resemble its performance on our other criteria. It might increase participation among voters in noncompetitive states. It would probably confer legitimacy effectively, although legitimacy could be threatened if a decisive national popular tally were inconclusive and under suspicion of fraud. By encouraging retention of the two-party system and perhaps increasing presidential coattails in Congressional races, this scheme would ease governance problems in our separation-of-powers system.

The bonus plan could reduce, but not eliminate, the greatest danger of the popular-plurality system, in that extremist candidates who might prevail in the national popular vote could still be denied victory if they did not also win in a significant number of states. Still, the slight possibility of candidate with a narrow ideological focus winning the national popular vote and enough states to prevail in a close race is high enough under the bonus plan for us to judge the Electoral College superior on the inclusiveness criterion.

Implementing the national bonus plan may be more feasible than adopting any national popular vote scheme, as retaining the façade of an Electoral College system may mollify those interests, such as the small states, that are advantaged by the present system. But the bonus plan would require a Constitutional amendment, and more support might exist for the simple popular-plurality system than for this complicated concoction.

National Popular Election with Majority Rule

The popular-majority system has some real attractions. Although the requirement for a runoff election if no candidate gets a majority is more complex than having a single election determined by the plurality rule, the popular-majority system is relatively simple and familiar. Most states have both primary and general elections, so the possibility of a second (runoff) election between the top two vote-getters would not be foreign to voters. The popular-majority system also eliminates the inequalities in the value of the vote under the Electoral College, and it reduces the College's bias toward the major parties and thus increases opportunities for sincere voting.

The popular-majority system could make a second-place finish in the initial balloting an important prize, propelling a candidate who would be a "loser" under popular-plurality rules into a winnable runoff election. This possibility could encourage third-party and independent candidates as well as candidates (like John McCain and Bill Bradley) who lost major-party nominations to compete aggressively under the popular-majority system. In the first round, voters would be more able to find and cast a sincere ballot for a candidate who represented their views. If their preferred candidate is eliminated, the runoff would allow them to choose between the lesser of two evils.

Such a system could also make some contributions to enhancing legitimacy, as the winner of the runoff could, of course, claim majority support. Additionally, a runoff could erase doubts about the actual winner in a close initial balloting that was accompanied by charges of miscounts and fraud. On the other hand, if the second-place finisher in the initial vote won in the runoff, the legitimacy of the outcome could be reduced, as citizens might well wonder why the winner under a majority rule has any greater claim to victory than the winner under a plurality rule.[24]

The popular-majority system has some other deficiencies. Voter participation might decline in the runoff, especially if supporters of defeated candidates are indifferent toward the remaining candidates and alienated by a system that rejected their favorites. If third party candidates succeed in either the initial or runoff election, or even if they are simply spoilers who deprive the major parties of a first-round victory, they will gain a greater role in American politics, possibly acquiring sufficient power to thwart the governing capacity of the major parties. Under a popular-majority system in 2000, both Bush and Gore would have had huge incentives to bargain with Ralph Nader, Pat Buchanan, and other eliminated candidates for their support. Such bargains might give such candidates veto power over certain policy initiatives. Or they could provide the third-party candidates with important offices in the resulting administration, making it more inclusive, in the sense that additional interests could be represented in the governing coalition. But the included third-party candidates could demand non-inclusive policy concessions that might run counter to the interests and principles of other groups within the governing coalition.

Finally, a delayed runoff might have a number of disadvantages that undermine the feasibility of adopting a popular-majority system. Runoff elections would require additional

expenses, and they could generate tumultuous, intense and perhaps vicious campaigning in order to put a candidate "over the top." Such possibilities would likely make a popular-majority system seem less attractive than the popular-plurality alternative. Or they could generate interest in an instant runoff.

National Popular Election with an Instant Runoff

This innovative reform has attracted considerable national attention, but like all electoral systems, it's a mixed bag. The instant runoff avoids the formal inequalities that occur under the Electoral College, but requires voters to rank-order their top three candidates, a task that is certainly more complex than simply indicating one's most preferred candidate. Voters would need to be informed about an array of candidates. Such complexity may undermine neutrality, as well-educated, upper-income voters could better navigate the system than poorly educated and lower-income voters. Democratic voters may be less likely to vote in such a system (or more likely to cast spoiled ballots) than GOP voters. Instant runoff advocates, however, doubt that such effects and biases would be significant, noting that the Electoral College system already creates biases in favor of both Republicans and Democrats, and that the instant runoff would provide more equal opportunities for third-party and independent candidates. Like the popular majority option, the instant runoff would facilitate sincere voting, to the extent, at least, that citizens recognize the degree to which all candidates represent their interests and ideals and that they can effectively rank-order their preferences based on such understandings.

The instant runoff could increase voter participation, and it would encourage third-party candidacies, which would be expected to turn out citizens who are apathetic about the major-party candidates. It could increase legitimacy, as the winning candidate would almost certainly be named on a majority of ballots and thus could claim a degree of support from most voters. It

might also enhance inclusiveness, as the major-party candidates would have incentives to appeal to supporters of third-parties, in hopes that such voters would rank them second and that these transferred votes would ultimately provide the margin of victory.

Because the instant runoff would almost certainly increase the role of third parties, it could complicate effective governance. Energized by their greater role in the presidential election, third parties might well gain strength in congressional elections, leading to a more divided legislature and perhaps greater policy gridlock.

The feasibility of the instant runoff is limited because of the constitutional hurdles that confront it. Perhaps more than the other national popular election schemes, it would be opposed by leaders of the dominant parties that benefit from the current system.

The District Plan

The district plan would retain and in some respects increase the level of complexity of the current Electoral College system. Campaign managers would need to identify and target swing districts as well as swing states, but for voters the basic dynamics of the system would remain unaltered. The district plan would also maintain the inequalities in the value of the vote, as citizens from large and small states would continue to have unequal leverage in choosing two electors at the state level.

Perhaps the biggest problem with the district plan would be its Republican bias. In elections over the past forty years, the nationwide implementation of the district plan would have resulted in more electoral votes going to Republicans than under the current system. For example, given the district plan, Nixon would have defeated Kennedy in 1960, and Ford would have tied Carter in 1976.[25] And in 2000, the district plan would have increased Bush's victory margin over Gore by 17 electoral votes. Democrats seem to be more highly concentrated in

some congressional districts, while Republicans have thinner majorities in a large number of districts. And Republican-dominated state legislatures may exacerbate this tendency by packing Democratic voters (especially minorities and the urban poor) into a disproportionately small number of districts. This also brings congressional redistricting into the presidential election arena; already a highly partisan and unseemly process, increasing the stakes in defining districts might well make the entire process even more contentious.

On a more positive note, the district plan could increase voter turnout, as competitive districts within safe states would be transformed into battlegrounds for swing electoral votes. Local parties could become energized in competitive districts, enhancing their get-of-the-vote efforts, and citizens in such districts would see that their votes actually mattered. Of course, many Congressional districts are not very competitive, but voters in such districts could believe that their votes might matter in the determination of the two state-level electors, if the state as a whole is competitive. In short, more individual districts would be in play under the district plan than under the statewide popular-plurality system, stimulating the greater involvement of local parties and the greater participation of citizens.

It is unlikely, however, that the district plan would affect the basic structure of our two-party system. Congressional elections now waged in the districts are mostly two-party affairs, because their first-past-the-post feature encourages citizens to be sophisticated voters who do not waste their votes on third party and independent candidates. Elections for presidential electors in the districts would have the same feature, encouraging insincere voting for the presidency. At the same time, by maintaining the two-party system, the district plan would also facilitate and perhaps enhance effective governance. Under the district plan, presidential candidates could be more closely tied to the parties' congressional candidates, and stronger presidential coattails

might facilitate governance by reducing the chances for divided government and strengthening cooperation between the president and members of the House.

The district plan would seem to have minimal effects on the capacity of the Electoral College to provide legitimacy to the winning candidate. The capacity of the Electoral College to turn narrow popular vote margins into decisive victories in the College would be reduced, but this would probably have less of a negative impact on legitimacy than would be the gain that would occur in detecting, correcting, and localizing voting irregularities. The district plan might also result in a bit more inclusiveness. To attract supporters in newly competitive districts, presidential aspirants and first-term presidents would have incentives to devise proposals and policies that would appeal to voters who were previously ignored.

The district plan may be relatively feasible, because its adoption by states requires no Constitutional amendment and because it would not compromise the dominance of the major parties in the states. But two strategic considerations limit the circumstances when the district plan is likely to be adopted. If one party dominates a state and can normally deliver the entire block of electors to its candidate, it would resist adopting a system that enabled the state's minority party to claim electors in a few competitive districts. Populous states with decisive electoral blocs have disproportionate importance and influence under the existing system and thus have the greatest disincentives for adopting the district plan. Small states -- like Maine and Nebraska -- have less to lose from embracing this reform.

Proportional Allocation

Proportional allocation would add complexity to the current Electoral College system. Rounding problems to achieve proportionality would require that states adopt allocation rules -- such as the d'Hondt system -- that voters would view as foreign and difficult to understand. Like

the district plan, proportional allocation would maintain the inequalities in the value of the vote, as citizens of small states would continue to choose more electors per person than those in large states.

Proportional allocation would have several advantages. If the district plan would encourage more participation than the popular-plurality system, proportional allocation would encourage even more. Under the district plan, only competitive districts would be in play. With proportional allocation, the entire state including every district in the state would be contested. Parties that are dominant in the state or in particular districts would find some electors peeled off by minority, third-party, and independent candidates. All parties would thus gain fresh incentives to compete aggressively for each and every elector to be proportionately distributed. Citizens in noncompetitive states (or districts) would no longer see their vote as irrelevant to the outcome, thus increasing voter turnout. Sincere voting could be encouraged, as independent and third party candidates could receive some electors even if they trailed other candidates and won fairly small percentages of the popular vote.

Proportional allocation would eliminate the bias in favor of the major parties that exists under first-past-the-post systems. Although this would make the electoral system more neutral, it would produce party fragmentation and reduce the potential for effective governance. To counter such effects and to limit the role of fringe parties, candidates may be required to attract a minimal percentage of popular votes – five to ten percent – to qualify for any electors. Such requirements would only come into play in larger states, as candidates winning less than 10 percent of the popular vote would not qualify for any electors unless the state had ten or more electors to allocate. The d'Hondt system allocates seats in a manner that reduces representation of minor parties and favors major parties; it thus appears to be the preferred method of

proportional allocation if the goal is to obtain a better balance between governance and representation.

A related problem with proportional allocation is that inclusiveness may also be discouraged. While popular-plurality systems encourage competition between two broad and fairly inclusive parties, proportional allocation can reward with electors those candidates and parties that represent narrow interests and clear ideological commitments that appeal to sizeable minorities in the state.

Another drawback of proportional allocation is that the electors won by such third parties and independent candidates could become spoilers, whose main role would be to deprive candidates of the major parties of an Electoral College victory. If states that adopted proportional allocation also made electors legally bound to represent those citizens who voted for specific candidates, bargaining between third-party candidates and major parties within the Electoral College could not occur. In such circumstances, the House contingency procedure, required by the Constitution when there is no majority among electors in the College, would be invoked. The results of the popular votes in all states would be largely discarded, and the state delegations in the House of Representatives, each having a single vote, would determine which of the top three vote-getters in the College should be president. Perhaps John Quincy Adams had sufficient legitimacy to be a reasonably effective when selected by such a procedure in 1824, but under current democratic norms it is questionable that a president thus selected would be accorded much legitimacy.

The obstacles to adopting proportional allocation are fairly great. While states have the Constitutional authority to implement proportional allocation, they have little incentive to do so, as this reform (like its district counterpart) would diminish the overall clout of the state. The

leaders of the Democratic and Republican Parties would certainly oppose a reform that strengthened third parties and independent candidates.

Interpretations and Conclusions

Our qualitative analysis illustrates the many flaws of the Electoral College, as it fares poorly on many of the standards and criteria that seem important to effective and fair politics. In the second column of Table 1, we italicize those areas where the Electoral College is judged deficient, and in subsequent columns we italicize areas where alternative electoral plans could produce problems equal to or greater than those found in the College. In general, the Electoral College appears to have more problematic impacts and implications than the alternatives to it. There is thus some discrepancy between how our participants ranked these systems when they voted and the qualitative analysis of these systems that is based on their assessments. How should we interpret this discrepancy?

Let us consider and discount three fairly cynical interpretations involving the general notion that political scientists -- like all humans -- are relatively resistant to informed analysis, even that of a group to which they contribute. First, it might be thought that the participants had conservative ideological commitments that precluded their embrace of Electoral College reform. But our participants were five times more likely to identify themselves as liberal Democrats than as conservative Republicans. Second, perhaps participants simply clung to prior beliefs that are only weakly rooted in ideology. In this interpretation, liberals as well as conservatives may have long-standing attachments to the College that are not easily dislodged. This interpretation receives some support from the fact that 22 of our 37 participants indicated the same first choice at the end of the project than they held before our deliberations. However, 15 participants did alter their first choice, and almost everyone provided significant changes in their rankings among

the alternatives; this suggests that our deliberations did influence the participants' attitudes. Third, our participants might have voted not on the basis of the broad array of impacts and implications of the various electoral systems, but on the basis of those factors that most concern them or with which they are most familiar. Evidence for this interpretation would include cohesive voting by the subgroups in the project. To some extent this occurred. For example, the political theorists stressed the historical success of the College in conferring legitimacy, and they strongly supported the College. At the same time, the group focusing on social cleavages stressed how the College worked to the disadvantage of minorities and offered little support to the College. Overall, however, there was considerable intra-group diversity in voting patterns, reducing our confidence in this interpretation.

We think that more plausible interpretations must begin by observing that the discrepancy between our votes and our qualitative evaluations is more apparent than real. After all, most of our participants did not rank the Electoral College as their first choice. Most found enough flaws with the existing system to prefer an alternative, but the alternatives were also flawed. This led to both a wide scattering of preferences among the alternatives and to the realization that the existing system, whatever its shortcomings, is an acceptable way to choose the president. Put another way, our qualitative analyses prompted us to realize that we preferred a flawed but workable Electoral College to alluring alternatives whose deficiencies became more apparent as we became more familiar with them. Among the switchers in our ranks, twice as many moved toward the College as moved away from it.

Effectively rendered individual and collective judgments about such matters as the desirability of the Electoral College cannot be made by simply choosing the alternative with the greatest net differences between the strengths and the weaknesses. On the one hand, some

limitations of the College can be judged weak and insignificant. For example, while the College may reduce voting turnout, its impact is modest, and increasing voting turnout may be a dubious goal. On the other hand, some strengths of the College are extremely important to our political system. The capacity of the current system to confer legitimacy on presidents and to encourage effective governance in our separation of powers system may well reflect such over-riding considerations.

We must also note the restricted scope of the standards employed here and the tentativeness of our judgements about how various reforms might perform on these criteria. Our participants returned time and again to the notion of "unanticipated consequences" – that political reforms often produce unforeseen impacts and implications that are ultimately judged undesirable. Theoretical knowledge about the consequences of the electoral systems under consideration is incomplete, and empirical evidence about possible impacts is necessarily lacking until reforms are implemented.

In sum, despite its flaws, we doubt that any alternative is clearly superior to the Electoral College. Our support is grounded less in admiration for the system than in various practical judgments, which lead less to a defense of the Electoral College than to a reluctant acceptance of it. The flaws in the system are apparent. Given these and given the imperfect judgments that are necessarily a part of any evaluation of the College and its alternatives, we conclude that the issue should remain on the national agenda and should be subject to more analysis by scholars, journalists, and elected officials than has been the case in the wake of the 2000 election. The framework and judgments offered here are intended to open rather than close discussion on an issue that continues to simmer on the back burner of American politics.

Notes

[1] Robert A. Dahl, *How Democratic Is the American Constitution*? (New Haven, CN: Yale University Press, 2001), pp. 72-89, and Arthur Schlesinger, Jr., "Not the People's Choice," *American Prospect* 13:6 (March 25, 2002), pp. 23-27.

[2] Norman Ornstein, "No Need to Repeal the Electoral College," *State Legislatures* 27:2 (February, 2001); Jack N. Rakove, "The E-College in the E-Age," in Rakove, *The Unfinished Election of 2000* (New York: Basic Books, 2001), pp. 201-234; Demetrious James Caraley, "Editor's Opinion: Why Americans Deserve a Constitutional Right to Vote for Presidential Electors," *Political Science Quarterly* 116:1 (2001): pp. 1-3; Robert Dudley, "The Presidential Election of 2000: A Great Civics Lesson?" *Presidential Studies Quarterly* 31:3 (September 2001), p. 505. The views of other scholars who had previously debated about the Electoral College were reported in the Congressional Digest 60 (January 1, 2001).

[3] Dennis Thompson, *Just Elections* (Chicago: University of Chicago Press, 2002), p. 165.

[4] Authors' citation.

[5] Clark Bensen, "Presidential Election 2000 Congressional District Preliminary Study," at www.polidata.org. Accessed on 5 June, 2003.

[6] For a discussion of the D'Hondt system, see David M. Farrell, *Electoral Systems: A Comparative Introduction* (New York: Palgrave, 2001), pp. 70-79.

[7] This reform was originally proposed by a Twentieth Century Fund task force in *Winner Take All: Report of the Twentieth Century Fund Task Force on Reform of the Presidential Election Process* (New York: Holmes and Meier, 1978). Setting the national

bonus at 102 electors appears arbitrary, but may be based on having two additional electors for each state and the District of Columbia.

[8] For a discussion of the alternative vote, see Andrew Reynolds and Ben Reilly. *The International IDEA Handbook of Electoral Systems Design* (Stockholm: International Institute for Democracy and Electoral Assistance, 1997).

[9] Walter Berns, Testimony before Subcommittee of the Constitution of Judiciary Committee, U.S. House of Representatives, "Proposals for Electoral College Reform: H.J. Res. 28 and H. J. Res 43," September 4, 1997. Serial No. 87: pp. 37-40.

[10] William Riker, *Liberalism Against Populism* (San Francisco: W.H. Freeman and Co., 1982).

[11] This note will identify the project participants, their University affiliations, and the group in which each participated. While these participants are not a random sample of the political science profession, we sought to eliminate bias by avoiding those whose previous publications indicated commitments to a position on the issue. The selection and initial orientations of these participants and the analyses of each group are presented in (authors citation).

[12] Authors' citation.

[13] These methods are discussed in Riker, *Liberalism Against Populism*, pp. 31-38.

[14] National public opinion polls often produce a contrived consensus behind an alternative by simply asking respondents if they prefer a national popular election rather than the Electoral College, ignoring both the variations within popular voting schemes and the reforms of the Electoral College that are possible alternatives to it.

[15] In this regard, our inductive analysis contained a feature stressed by deductive approaches: the specification of criteria or standards. However, while public choice theorists have stressed

criteria with important mathematical properties, we follow Thompson's example in *Just Elections*, and examine criteria having political properties stressed by our participants. And, while public choice theorists rely on deduction to determine whether an electoral system achieves specific standards, we rely on the judgments of our participants about the observed or expected impacts of electoral systems on these standards.

[16] Inclusiveness is related to centrism but is not identical with it. Centrist campaigns imagine that most citizens are grouped around a "median voter" having pre-existing preferences known through such indicators as public opinion polls. Persons with views distant from the median voter feel excluded from elections dominated by centrist parties. Inclusive campaigns imagine that citizens have diverse pre-existing views that a median voter may not well represent. The goal of an inclusive campaign is to articulate policy goals that appeal to and activate as many members of as many groups as possible.

[17] Because criticisms of the Electoral College have focused on the possible lack of congruence between the popular and electoral vote and on the lack of representation of minority interests in the Electoral College given the winner-take-all feature, it might be argued that "congruence" and "representation" should be additional criteria. However, we believe that one interpretation of congruence – achieving an outcome consistent with the popular will – is vacuous (as discussed above), and that another interpretation of congruence – avoiding outcomes where the winner does not have the most popular votes – can be best understood as a threat to legitimacy. We also believe that the problems that occur due to the lack of representation that occurs through the unit rule can be addressed by our other criteria, especially how representation may be undermined by threats to neutrality, sincerity, and inclusiveness.

[18] See (authors' citation) for extended discussions, analyses, and references supporting these assessments.

[19] See William Frey, "Regional Shifts in America's Voting Age Population," Report No. 00-459, Population Studies Center, Institute for Social Research, University of Michigan, 2000.

[20] Nelson Polsby and Aaron Wildavsky, *Presidential Elections*, 10th edition (New York: Chatham House, 2000), pp. 246-47.

[21] In *A Theory of Justice* (Cambridge: Harvard University Press, 1971), John Rawls argues that inequalities in favor of the least advantaged members of a society are justified.

[22] Judith A. Best, Testimony before Subcommittee of the Constitution of Judiciary Committee, U.S. House of Representatives, *op cit.:* pp. 31-33.

[23] Less obviously, candidates whose appeal is to the median voter may fail to activate the support of broad segments of the public whose views are poorly expressed by the median voter. Even if appealing to the median voter were the best way of getting a popular plurality in a national election, an Electoral College majority may not be achieved unless that popular plurality is constructed so as to get broad support across the states.

[24] Democratic theory does not insist on either majority rule or plurality rule, but instead claims that the winner under the agreed-upon rules has the legitimate claim to office. But feelings that an outcome is illegitimate can be enhanced when people believe that the outcome is due to procedural complexities rather than to some clear and reliable expression of the popular will.

[25] Nelson Polsby and Aaron Wildavsky, *Presidential Elections*, p. 251.