



— LEGAL POLICY FOCUS —

The Electoral College

JENNIFER C. BRACERAS, DIRECTOR, INDEPENDENT WOMEN'S LAW CENTER

EXECUTIVE SUMMARY

- In a presidential election system that is unpredictable and, in many ways, fraught with problems, there is one enduring feature that provides stability and unites the various states into a single nation: the Electoral College.
- Under the Electoral College system, an American presidential election is the aggregate of 51 democratic elections held in the 50 states and the District of Columbia.
- This system ensures that no candidate can be elected president without *broad national appeal*, as opposed to just deep regional support.
- Unfortunately, it has become trendy to attack the Electoral College as “anti-democratic” and to call for its replacement with one massive national election.
- So far, all attempts to amend the Constitution to provide for the direct election of the president and vice president by nationwide popular vote have failed.
- Because amending the Constitution has proved challenging, opponents of the Electoral College are seeking an end-run around the Constitution through interstate compact. States that sign onto the compact agree to give all of their electoral votes to the candidate who receives the most votes nationwide—*even if a majority of voters in that state voted for someone else!*
- Although a nationwide popular vote has some surface appeal, it is not the best method of electing the leader of a country as large and diverse as ours.
- A single, nationwide popular vote would undermine national cohesion, render the minority irrelevant in presidential politics, raise questions as to the legitimacy of the winner in closely contested elections, and upset the delicate system of checks and balances that protects us from the tyranny of the majority.

MORE INFORMATION

Background

American presidential elections are not perfect. Many Americans have legitimate concerns about the lengthy nominating process, party rules, and the undue influence of the media and special interest groups. Voting procedures sometimes allow fraud or hinder accessibility. Our campaign finance laws can be simultaneously insufficient and overbroad.

But in a presidential election process that is unpredictable and, in many ways, in need of repair, one enduring feature provides stability and makes us truly a nation of united *states*: the Electoral College.

Contrary to popular belief, the United States does not conduct nationwide elections or operate a national election system. Rather, the 50 states and the District of Columbia each conduct their own democratic elections for president. Based on the results of those

individual elections, “electors” from each jurisdiction cast direct votes for president. The process by which the electors cast their ballots is known as the “Electoral College.”¹

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*Pure democracy is ‘two
wolves and a lamb voting
on what to have for lunch.’*
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The goal of this system, enshrined in our Constitution, is to ensure that the president is elected with *broad national appeal* (as opposed to deep regional support). In this way, the Electoral College helps binds us together as a nation.

Unfortunately, it has become popular in recent years to attack our Electoral College system as “undemocratic” and “an unnecessary vestige of the past.” While the Electoral College has, indeed, been around since the founding of our Republic, it is anything but undemocratic or unnecessary. Rather, it is an essential piece of our federalist system that provides a much needed check on the power of the majority (or even the plurality) over the rest of the nation.

A System of Checks and Balances

Americans commonly refer to our system of government as a “democracy.” Some prefer the term “republic.” In truth, our country is both.² We have a representative

¹ Thomas H. Neale, Cong. Research Service, RL32611, *The Electoral College: How it Works in Contemporary Presidential Elections* (2017).

² See e.g., Jay Cost, *Democracy or Republic? The U.S. is the later, and partly the former*, American Enterprise Institute, Sept. 13, 2018, www.aei.org/publication/democracy-or-republic/ (last visited May 2, 2019); Eugene Volokh, *The United States is Both A Republic and a Democracy*, REASON, Jan. 17, 2018, www.reason.com/2018/01/17/the-united-states-is-both-a-republic-and/ (last visited May 3, 2019).

democracy, governed by a written constitution that balances the interests of the people with the interests of the states.

How did we end up with this unique form of government?

Our founding fathers were fearful of both unchecked government power and unchecked democracy, which they regarded as mob rule. Although they believed that “We the People” are the only legitimate source of government authority, the founders also worried that a *pure democracy* would allow the majority of the people to trample the rights of the minority. (**Benjamin Franklin** is alleged to have described pure democracy as “two wolves and a lamb voting on what to have for lunch.”)

The framers of our Constitution concluded that the best way to maximize the power of the people *and* protect the rights of the minority is with a system of checks and balances. They, therefore, created a government that divides power among three distinct branches of the federal government and between the federal government and the states.



The Electoral College system ensures that no president can ignore those in the minority for too long.



The Electoral College is a critical piece of this intricate design. And, like many other aspects of our government, it is the product of compromise.

Some of the delegates to the Constitutional Convention wanted the state legislatures to select the president. Some wanted the chief executive to be chosen by Congress. Others advocated direct election of the president through a national popular vote. The compromise was Article II, Section 1 of the U.S. Constitution, which provides for the president to be chosen by electors from each of the individual states.³

As with other aspects of our structural Constitution, our electoral system was designed to ensure that the will of the people in large population centers does not overwhelm that of the people in more rural communities.

How Does the Electoral College Work?

When voters cast ballots for the president and vice president, they are actually voting for “electors” who have pledged to support particular candidates. Each state

³ MARTIN DIAMOND, THE ELECTORAL COLLEGE AND THE AMERICAN IDEA OF DEMOCRACY 4 (American Enterprise Institute, 1977).

has a number of “electors” equal to its combined number of Representatives and Senators in Congress.⁴ With the passage of the 23d Amendment in 1961, the District of Columbia was granted three electors (the number it would be entitled to if it were a state).⁵ These electors then meet in their respective states and cast direct votes for president.⁶ The results are sent to Congress where the each state’s electoral votes are counted and the winner certified.

In order to win election, a candidate for president must win “a majority of the whole number of Electors appointed” (at least 270 out of a total of 538).⁷ If no candidate receives a majority of electoral votes, the House of Representatives chooses the president and the U.S. Senate chooses the vice president in what is known as a “contingent election.”⁸

In the vast majority of presidential elections, the candidate who wins the most votes overall also wins the Electoral College. Every so often, however, a candidate wins more votes than any other candidate, yet fails to build a sufficient cross-section of support to win the Electoral College. This has happened on only **four occasions**—the 1876 election of Rutherford B. Hayes; the 1888 election of Benjamin Harrison; the 2000 election of George W. Bush; and the 2016 election of Donald J. Trump. (In 1824, John Quincy Adams received neither a majority of votes cast nationwide nor a majority of votes in the Electoral College, but was selected in a contingent election in the House of Representatives.)

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*Only four U.S. presidents
have won the Electoral
College without also
receiving the most votes
nationwide.*
”

⁴ Forty-eight states and the District of Columbia employ a “winner-take-all system,” whereby a state’s entire slate of electors goes to the winner of the popular vote in that state. Maine and Nebraska use “the district system,” which awards two electors to the winner of the statewide popular vote and one to the winner of the popular vote in each of the state’s congressional districts. See Cong. Research Serv. RL32611, *supra* note 1, at 10-12.

⁵ U.S. CONST., AMEND. XXIII.

⁶ The Constitution does not mandate that electors vote as they promised to vote. However, 26 states and the District of Columbia “bind” their electors to vote for their promised candidate. Electors who vote against the wishes of the voters are known as “faithless electors.” According to the U.S. House of Representatives, there was one faithless elector in each of the following elections: 1948, 1956, 1960, 1968, 1972, 1976, and 1988. In 2000, one elector cast a blank ballot. In 2016, there were seven faithless electors on the presidential ballot and six on the vice presidential ballot. History, Art, and Archives of the U.S. House of Representatives, *Electoral College Fast Facts*, <https://history.house.gov/Institution/Electoral-College/Electoral-College/> (last visited May 2, 2019). In 2020, a unanimous Supreme Court upheld the power of states to punish faithless electors. See *Chiafalo v. Washington*, 591 U.S. ___, 140 S. Ct. 2316 (2020).

⁷ U.S. CONST., AMEND. XXIII.

⁸ U.S. CONST. ART. II, SEC. 1, CL. 3; U.S. CONST., AMEND. XII. The Framers believed that most elections would be resolved in the contingent process. As it turns out, however, only two presidents (Thomas Jefferson in 1800 and John Quincy Adams in 1824) have been elected this way. See TARA ROSS, *THE INDISPENSABLE ELECTORAL COLLEGE: HOW THE FOUNDERS’ PLAN SAVES OUR COUNTRY FROM MOB RULE* 136 (2017).

A Useful Analogy

One way to understand the Electoral College is to compare it to the baseball World Series. The winner of the World Series is the team that wins four out of seven individual games. In most cases, the team that wins the best of seven also scores the most runs over the course of the Series. But not always.

The 1960 World Series between the Pittsburgh Pirates and the New York Yankees is illustrative. That year, the Pirates won four close games, with scores of 6–4, 3–2, 5–2, and 10–9. The Yankees, by contrast, won three blowout games, with scores of 16–3, 10–0, and 12–0. Overall, the Yankees scored 55 runs during seven games—more than *twice* as many as the Pirates, who scored a total of only 27 runs.⁹ But the Pirates, having won four out of seven games, were the legitimate World Series Champions of 1960.

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In the World Series, as in U.S. presidential elections, the winner is the team that demonstrates consistent, broad-based success, not the team that runs up score in a single contest.

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Recent Attacks On the Electoral College

Some critics of the Electoral College are thoughtful commentators and scholars who genuinely believe that one nationwide popular vote is preferable to the system of mini-elections bequeathed to us by our founding fathers. Unfortunately, however, other Electoral College opponents are simply sore losers. These partisans are, understandably, upset that in 2016 Hillary Clinton received more votes nationwide than Donald Trump, yet lost in the Electoral College.¹⁰

Given the rarity of occurrences like this, a nationwide popular vote is a solution in search of a problem. It is also a *bad* solution that would weaken national cohesion, undercut the legitimacy of the presidency, leave minorities at the mercy of the majority, and begin to unravel our unique federal system of checks and balances.

Proposals to Eliminate the Electoral College:

(A) Constitutional Amendment—In April 2019, U.S. Senator Brian Schatz (D-HI) introduced an **amendment** that would abolish the Electoral College and provide for direct election of the president and vice president by nationwide popular vote. The

⁹ See www.baseball-almanac.com/ws/yr1960ws/shtml (last visited May 16, 2019).

¹⁰ It is worth noting, however, that Hillary Clinton received a mere plurality (48.25%) of votes and did not receive a majority of all votes cast nationwide. See *infra* note 23.

proposed amendment is one of hundreds previously introduced in Congress to eliminate or change the Electoral College system.¹¹ None of these proposals has been adopted.

(B) State Legislative Action—Amending the Constitution is a lengthy and laborious process (and an infrequent occurrence).¹² Perhaps not surprisingly, then, in 2006 a group calling itself National Popular Vote (NPV) proposed an interstate compact under which participating states agree to give their electoral votes to whichever presidential candidate wins the popular vote nationwide.¹³ The National Popular Vote Interstate Compact (NPVIC) takes effect if/when states with a combined total of at least 270 electoral votes join the compact. Although the NPVIC would, technically, preserve the Electoral College system, it would render it a mere formality.

NPVIC legislation has been introduced in all 50 states and the District of Columbia. As of August 31, 2020, **16 jurisdictions** (CA, CO, CT, DC, DE, HI, IL, MA, MD, NJ, NM, OR, RI, NY, VT, and WA), with a total of 196 electoral votes, have joined the compact.

The NPVIC Is Undemocratic and Unconstitutional

Under the NPVIC, participating states agree that, in all future presidential elections, they will give their electoral votes to the winner of the national popular vote—*even if a majority of voters in that state voted for somebody else!* This is a usurpation of the people’s right to determine, one election at a time, how their state will distribute its electoral votes.

The NPVIC is not only undemocratic, it is also unconstitutional. The U.S. Constitution establishes the method by which we elect the president. Only a constitutional amendment can alter that arrangement. The NPVIC is a backdoor effort to impose a nationwide popular vote without going through the constitutionally required amendment process required by Article 5 of the U.S. Constitution.

The NPVIC also violates the Constitution’s Compact Clause, which requires Congressional approval of any agreement between the states that would harm non-compacting states or challenge the supremacy of the federal government.¹⁴ More fundamentally, it attempts to undo the constitutionally prescribed federal nature of our electoral system.¹⁵

¹¹ Cong. Research Serv. RL32611, *supra* note 1, at 18.

¹² The U.S. Constitution has been amended only **27 times**. A constitutional amendment may be proposed either by Congress (with a two-thirds majority vote in both the U.S. Senate and the U.S. House of Representatives) or by constitutional convention called for by two-thirds of the state legislatures. In order for an amendment to become law, it must be ratified by three-fourths of the state legislatures (38 out of 50). **U.S. CONST. ART. V.**

¹³ See National Popular Vote, www.nationalpopularvote.com (last visited May 5, 2019).

¹⁴ U.S. CONST. ART. I, SEC. 10, CL. 3; see also William G. Ross, *Popular Vote Compact: Fraught With Constitutional Perils*, JURIST, Feb. 28, 2012, www.jurist.org/forum/2012/02/william-ross-vote-compact.php (last visited May 13, 2019) (explaining that the NPVIC violates the Compact Clause).

¹⁵ States may not distribute their electoral votes in a way that interferes with the federal nature of the electoral system. See Ross, *supra* note 12. See also Ian J. Drake, *Federal Roadblocks: The Constitution and the National Popular Vote Interstate Compact*, PUBLIUS: THE JOURNAL OF FEDERALISM, Vol. 44, Issue 4, Pp. 681–701 (Fall 2014) (arguing that states cannot effectively alter the structural Constitution by compact).

Although it is understandable why Electoral College opponents want to avoid the lengthy and difficult constitutional amendment process, they cannot simply undo the Constitution by non-constitutional means.

A Nationwide Popular Vote Is a Bad Fit for a Country as Large and Diverse as Ours

There are at least **six** reasons why instituting a nationwide popular vote would be problematic in the United States.

(1) Adopting a nationwide popular vote would exaggerate the influence of coastal elites at the expense of voters in “fly-over” country. With a nationwide popular vote, the person who received a simple majority (or even a mere plurality) of votes cast would be the winner of the election. It would not matter where those votes came from. Only the total number of votes would matter. In a nationwide popular vote, therefore, candidates would focus all their attention on dense media markets. Time spent courting votes in, say, Colorado or Iowa, would be time wasted. The result would be presidential campaigns that run up the vote count in large population centers like New York and Los Angeles, rather than trying to appeal to voters in different parts of the country.

This would have negative policy consequences for voters in less populous places, as presidents would, inevitably, prioritize the needs of metropolitan areas over those of the rest of the nation. By contrast, the Electoral College system ensures that presidents remain responsive to a range of voters from different parts of the country.



Our federalist system is based on the premise that states matter.



(2) A nationwide popular vote would undermine our federalist system. Our federalist system is based on the premise that states matter. By balancing the rights of the people with the rights of the states, our Constitution knits together diverse communities into a single tapestry. Scrapping the Electoral College in favor of a nationwide popular vote would start to unravel this tapestry¹⁶ and undermine the very notion of a nation of “united” states.

Consider this hypothetical proposed by attorney and writer Dan McLaughlin: Candidate A is wildly popular in California but not in the rest of the country. Candidate A spends an inordinate amount of resources driving up the vote totals in San Francisco and Los

¹⁶ See Diamond, *supra* note 3, at 7 (“When federalism has already been weakened, perhaps inevitably in modern circumstances, why further weaken the federal elements in our political system by destroying the informal federal element [of presidential elections]?”).

Angeles and wins in California by a margin large enough to tip the entire election. Under this scenario, Candidate A could become the president of the entire country, *even if 48 of the 50 states decisively reject that person in favor of Candidate B.*¹⁷

(3) A nationwide popular vote would reward demagoguery and (further) radicalize U.S. politics. To win a nationwide popular vote, a candidate need only generate high turnout from his or her base. This, of course, favors flash-in-the-pan candidates with large social media followings who appeal to the passions of the moment. Today, this might mean hip-young social justice progressives. Tomorrow it might mean populist, right-wing candidates, such as we see sometimes in Europe. Many Americans are already frustrated by the polarization in politics today. Moving to a nationwide popular vote would only institutionalize and deepen this trend. The Electoral College, by contrast, encourages coalition building and, thus, moderation.¹⁸

(4) A nationwide popular vote could decrease voter turnout. Electoral College opponents rightly note that the current system depresses turnout in states that are either reliably Republican or reliably Democrat. In these states, where the outcome is all but certain, voters may feel little incentive to show up on election day and vote. But a nationwide popular vote would only exacerbate this problem. Currently, voters (at least in competitive states) feel that their votes might make a difference. Were we to move to a nationwide popular vote, each vote would be arguably inconsequential among the approximately **200 million** potential votes nationwide. The feeling that one vote out of 200 million is unlikely to make a difference could create a nationwide incentive to stay home.

(5) A nationwide popular vote could undermine the institutional legitimacy of the president. While it is unusual for a candidate to win the Electoral College but not receive the most votes nationwide, it is fairly common for presidents to be elected with razor thin vote margins or a mere plurality of all votes cast nationwide. In fact, there have been thirteen elections (including the elections of Abraham Lincoln, Harry S. Truman, Richard Nixon, and John F. Kennedy) where the winner received only a plurality of votes, yet won a clear victory in the Electoral College. In 1992, for example, Bill Clinton received only 43 percent of the votes cast nationwide. (President George H.W. Bush received 37.4 percent and independent candidate H. Ross Perot received almost 19 percent of votes cast.) Even though 56 percent of voters chose someone other than Bill Clinton, Clinton won an Electoral College landslide with 370 electoral votes to Bush's 168. As a result,

¹⁷ According to McLaughlin, 13 percent of Hillary Clinton's 2016 votes came from California, and her 4.2-million-vote margin in that state "more than accounted for her 2.9-million-vote plurality nationally." Dan McLaughlin, *What the Electoral College Saves Us From*, National Review, April 5, 2019, www.nationalreview.com/2019/04/what-the-electoral-college-saves-us-from/ (last visited May 6, 2019)

¹⁸ Some critics argue that President Donald Trump is a populist demagogue. Whether you agree or disagree, the fact remains that, absent an Electoral College, populist demagogues (from the left and the right) are more likely—*not less likely*—to be elected.

the legitimacy of the Clinton presidency was never in question.¹⁹ A decisive Electoral College win provides important institutional legitimacy to those presidents who squeak out narrow popular victories.²⁰

(6) A nationwide popular vote would increase chaos and discourage finality.

The Electoral College prevents close elections from being determined by nationwide recount. Under the current system, a narrow nationwide margin of victory is irrelevant so long as the Electoral College outcome is clear.²¹ Without the Electoral College, however, close outcomes²²

will, inevitably, become contested outcomes. That is because with only *one* national election (as opposed to 51 smaller elections), recounts in any jurisdiction, anywhere in the country would have the potential to change the outcome. A nationwide popular vote would discourage finality by creating incentives to litigate the outcome of the election across multiple jurisdictions. Recounts are difficult enough to process on a small scale—**remember Palm Beach, Florida?** Now try to imagine that chaos occurring all across the country. Clear Electoral College outcomes make this nightmarish possibility unnecessary.

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5 Myths About the Electoral College

MYTH #1: If not for the Electoral College, Hillary Clinton would have become president. Hillary Clinton received a plurality of votes cast nationwide in 2016.²³ This does *not* mean, however, that she would have won the election had we scrapped the Electoral College prior to 2016. Both Donald Trump and Hillary Clinton understood the rules of the electoral game, and both candidates played by them. Had the rules been different, the candidates would have adopted different campaign strategies. It is, therefore, simply not possible to know how a different set of rules would have changed the way the candidates played the game or whether it would have altered the outcome.

¹⁹ Peter J. Wallison, *Why We Need The Electoral College*, American Enterprise Institute, Dec. 6, 2016, <https://www.aei.org/publication/why-we-need-the-electoral-college/> (last visited May 4, 2019).

²⁰ With a nationwide popular vote, plurality winners would become even more common. This is because a nationwide popular vote encourages fringe candidates with appeal in large population centers. A nationwide popular vote would make U.S. presidential contests more like European-style elections with numerous candidates from across the political spectrum. This increase in the sheer number of candidates makes it more likely that no individual will win a majority of votes.

²¹ Under the current system, a close margin of victory is only relevant where the outcome of that state could change the outcome of the Electoral College. In such cases, a recount in specific jurisdictions might be necessary. But this circumstance is unusual.

²² As noted above, there have been thirteen presidential elections in which the winner received only a plurality of the votes cast nationwide. In addition, Jimmy Carter (1976), George Bush (2004), and Barack Obama (2012) each won a majority of the popular vote with margins of victory less than 4%.

²³ Hillary Clinton received 48.25% and Donald J. Trump received 46.15% of all votes cast in 2016. Trump, however, won the Electoral College decisively—304 to 227 (five Democratic and two Republican “faithless electors” voted for people other than Clinton or Trump). Drew DeSilver, *Trump’s victory another example of how Electoral College wins are bigger than popular vote ones*, PEW Research Center, Dec. 20, 2016, www.pewresearch.org/fact-tank/2016/12/20/why-electoral-college-landslides-are-easier-to-win-than-popular-vote-ones/

MYTH #2: The Electoral College favors Republicans. The Electoral College does not favor one party or another. The Framers adopted the Electoral College before political parties existed and, therefore, without regard to partisan advantage. Moreover, mobility between among states, demographic changes within states, and economic and cultural shifts over time mean that any advantage for one party or another is short-lived. Once solidly Republican California is now predictably Democratic. Formerly Democratic Texas became solidly Republican and is now slowly becoming a toss-up. And states once considered “safe”

(Pennsylvania for Democrats; Virginia for Republicans) are now considered competitive. The Electoral College is, therefore, neither pro-Democrat or pro-Republican.²⁴ Parties that worry the current electoral map is stacked against them would be better off learning to win according to the rules of the game, rather than trying to change them.

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MYTH #3: Electing the president by nationwide popular vote would make our presidential elections more “democratic.” A nationwide popular vote would not make our presidential elections more democratic. Our current system is the aggregate of 51 separate democratic elections. The Electoral College is a democratic method of securing buy-in from a *range* of voters and from a *range* of states. Eliminating the Electoral College would not make our presidential elections *more* democratic, it would only make them national and, thereby, undermine the federal system deliberately established by our Constitution’s framers.²⁵

MYTH #4: Eliminating the Electoral College will improve policy-making. Some commentators suggest that a nationwide popular vote would remove the incentive for candidates to promote policies favored by voters in swing states (such as retirees in Florida). It is true that moving to a nationwide popular vote would change political incentives, but it would not eliminate the pressure to cater to certain constituencies. Politics will always influence policy, no matter how elections are structured. For example, a nationwide popular vote would create an incentive for presidents to pander to voters in Los Angeles, New York, Chicago, and other major metropolitan areas. While

²⁴ As attorney and Electoral College expert Tara Ross explains, commentators and political scientists in the post-Reagan era were certain that Republicans had a “lock” on the Electoral College for years to come. Then Bill Clinton came along and turned nine states Blue for the first time since 1964. Prior to 2016, conventional wisdom had it that the electoral map vastly favored the Democrats. Then Donald J. Trump came along and carried the Rust Belt. ROSS, *THE INDISPENSABLE ELECTORAL COLLEGE*, *supra* note 8 at xviii - xix.

²⁵ Diamond, *supra* note 3, at 7.

each system creates different political incentives, only the Electoral College system ensures that the president take into account various regional interests.

MYTH #5: The Electoral College system gives more weight to the votes of white people than to the votes of people of color, effectively disenfranchising minority voters.

Within each state, all votes count equally, regardless of race or ethnicity. Because the number of electors from each state matches the number of Senators and Representatives that each state sends to Congress, the Electoral College gives extra weight to the outcomes of elections in less

populous states. (This creates balance and protects less populous states from being ignored.) Some less populous states (such as the Dakotas, Montana, Vermont, and Wyoming) are, indeed, predominantly white. But other less populous states (Alaska, Delaware, Hawaii, New Mexico, and Washington, DC, for example) have racially diverse populations whose voices are amplified by the Electoral College and who would have little influence in presidential politics without the Electoral College.²⁶

Racial and ethnic minorities are, by definition, always outnumbered in the electorate at large. Nevertheless, as a group, they can exert considerable political influence in jurisdictions where they comprise an appreciable percentage of the population. A nationwide popular vote, by contrast, would, in the words of civil rights activist Vernon Jordan, “severely limit [Black voters’] political leverage.”²⁷

Conclusion

The Electoral College is an ingenious system that encourages finality and institutional stability. By aggregating the results of 51 separate democratic elections, the Electoral College binds the states together as one nation, while simultaneously protecting the rights of the minority. These advantages should appeal to all Americans—regardless of party affiliation.



A nationwide popular vote would severely limit the political leverage of Black voters whose votes could otherwise be drowned out by the majority.



²⁶ See Josiah Peterson, *No, Jesse Jackson, The Electoral College Isn't Racist*, THE FEDERALIST, Aug. 28, 2017, <https://thefederalist.com/2017/08/28/no-jesse-jackson-electoral-college-isnt-racist/>.

²⁷ See Jennifer C. Bracer, *Is the Electoral College Racist?*, BOSTON GLOBE, Sept. 1, 2020, <https://www.bostonglobe.com/2020/09/01/opinion/is-electoral-college-racist/>.