The Electoral College and the election of 2000

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Abstract

The United States is one of few contemporary democracies that does not choose its chief executive officer through direct popular vote. Rather, the President of the United States is formally chosen by the Electoral College, and a majority of votes in the Electoral College is required to secure election to the Presidency. In 2000, Republican George W. Bush won a 271–266 majority in the Electoral College despite the fact that his opponent, Al Gore, won about half a million more popular votes.

The Electoral College system can be conceptualized as a mechanism by which the results of separate elections in each state and, since 1964, the District of Columbia, can be aggregated to produce a nationwide outcome. It has not experienced major reform since 1804, despite the fact that many critics have regarded the system as archaic, outmoded, and essentially undemocratic. Since the early nineteenth century, more than 600 proposed constitutional amendments concerning the Electoral College system have been proposed and debated in Congress. Some would eliminate the Electoral College system altogether and replace it with direct popular vote. Others would retain the Electoral College system but change the way electors are selected or affect the relationships between popular and electoral votes in each state.

Because the popular vote in Florida was very close, and because the remaining states were so closely divided, Florida proved to be the pivotal state in the 2000 presidential election. The closeness and controversy surrounding the Florida outcome has renewed efforts on the part of critics to eliminate or reform the system. However, analysis of the 2000 campaign underscores the fact that both sides based decisions concerning their campaign strategies and allocations of human financial resources in an effort to win an electoral college majority, within the constraints of the present system. It is unlikely that there will be sufficient support to overturn or reform the system through constitutional agreement in the foreseeable future. © 2001 Published by Elsevier Science Ltd.
Introduction

The 2000 Presidential election in the United States was one of the closest in American history. For five weeks after the ballots were cast on Election Day, the result was in doubt because of disputes over the outcome in Florida. After extensive litigation in both Federal and state courts, Republican George W. Bush claimed victory despite having about 500,000 fewer popular votes than his Democratic opponent, Al Gore. Shortly thereafter, the Electoral College votes were counted, and Bush defeated Gore in the Electoral College by a margin of 271 to 266.1

The disputed result in Florida, coupled with the fact that Bush won the election despite failing to earn more popular votes than his opponent, called worldwide attention to the Electoral College system used to elect presidents of the United States. Over the past two centuries, critics have scorned the system as archaic, outmoded, and undemocratic. Hundreds of efforts to reform or abolish it have been initiated over the past two centuries (Pearce & Longley, 2000). Despite these efforts, the Electoral College remains in place and its structural dynamics have profound effects on Presidential election outcomes and campaigns. The purpose of this paper is to review the Electoral College system and efforts to reform it, thereby placing the Florida events described in more detail in other papers in this focus section in context.

The Electoral College in historical perspective

Article II of the United States Constitution, written in 1787, establishes the Electoral College. Each state selects as many electors as it has representatives in Congress. Between 1991 and 2001, for example, Florida had two Senators and 23 members of the House of Representatives and therefore a total of 25 electoral votes.

Members of the Electoral College cast ballots for President and Vice-President. Originally, each member cast ballots for two individuals in a single contest. After the votes were counted, the person with the most electoral votes became President, with the runner-up becoming Vice-President. Within a decade after the Constitution was ratified, flaws in this procedure had become apparent (Shelley, Archer, Davidson, & Brunn, 1996). In 1804, the system was reformed through the enactment of the 12th Amendment, which provided that each elector cast ballots for President and Vice-President in separate elections. In effect, the 12th Amendment provided Constitutional recognition of the existence of ongoing political parties, and it afforded each party the opportunity to nominate a ticket consisting of candidates for President and Vice-President. Every Presidential election since 1804 has been conducted under this reformed system.

Currently, there are a total of 538 Electoral College members. These represent the 100 members of the Senate and 435 members of the House of Representatives, along

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1 One Democratic member of the Electoral College from the District of Columbia declined to vote, in protest of the fact that the District does not have statehood status.
with three for the District of Columbia, which was empowered to participate in Presidential elections following enactment of the 23rd Amendment in 1961. A majority of 270 electoral votes is needed to win the election. If no candidate receives at least 270 electoral votes, the election is decided by the House of Representatives. Thus, the Electoral College procedure is, in effect, a mechanism by which results of separate contests in each state and the District of Columbia are aggregated.

The Constitution does not specify how electors in each state are to be chosen. In the late eighteenth and early nineteenth centuries, a wide variety of methods were used to select them (Shelley et al., 1996). By the 1830s, however, most states had accepted the idea that Electoral College membership should be linked to popular voting, and most had begun to give all of the state’s electoral votes the candidate who had won a plurality of popular votes in that state. Today, the states of Maine and Nebraska afford an electoral vote to the candidate winning a plurality in each House of Representatives district, with the two remaining votes going to the winner of a statewide plurality. The other 48 states, including Florida, rely on the traditional procedure of awarding electoral votes on a winner-takes-all basis to the candidate winning a popular vote plurality. The Florida outcome was especially controversial because fewer than 1000 popular votes, out of nearly 6 million cast, divided the two candidates; because the other states were so evenly divided between Bush and Gore that the election outcome hinged on determining which candidate got more popular votes in Florida; and because the validity of far more than 1000 ballots was disputed.

Criticisms and possible reforms of the Electoral College system

Throughout American history, many have criticized the Electoral College system. Hundreds of constitutional amendments intended to reform or abolish the system have been proposed and debated in Congress since the early nineteenth century (Pearce & Longley, 2000). Reform proponents and other critics of the Electoral College system argue that the system is undemocratic and outdated for several reasons. Two of these deserve particular attention in light of the 2000 outcome. First, there has been ongoing debate over whether the system privileges large or small states relative to one another. Second, some criticize the Electoral College on the grounds that its results may fail to coincide with the plurality of popular votes, as happened in 2000.

For decades, commentators have debated whether the Electoral College system favors large or small states. Because each state has two Senators regardless of population, the ratio of electoral votes to population is greater in smaller than larger states. Thus many Americans believe that the Electoral College system favors the interests of smaller states over larger ones. In the 1960s, however, Banzhaf (1965) applied game-theoretic mathematics to the Electoral College and found this common belief to be erroneous from a mathematical standpoint. Banzhaf demonstrated that the power of the average voter, defined as the probability that this voter will determine the outcome of the election nationwide, is substantially greater in large states than in small ones (see essay by Warf and Waddell in this forum for additional details). Although the likelihood that a given voter will determine the outcome of the popular
balloting in any given state decreases as the state’s population increases, Banzhaf demonstrated that this effect is outweighed by the fact that a state’s electoral votes can influence the national outcome only if the remaining states are closely divided. This research was updated using 1990s apportionment by Longley and Dana (1992).

How closely the other states must be divided decreases with the size of the state. As Archer’s article in this Symposium illustrates, the popular vote contests in six other states, which he refers to as “quarrel-over” states, were nearly as close as was the case in Florida. Gore won five of these states, but the three closest — Iowa, New Mexico, and Oregon — together account for only 19 electoral votes. Had Gore won Florida but lost these three states, he would have been elected by a margin of 273 to 265. Thus whether Gore had won or lost Iowa, New Mexico, or Oregon would have made no difference in the national outcome. Florida was the pivotal state because it is large and the election within Florida was so close. Had Bush won Florida by a larger margin, smaller states won narrowly by Bush such as New Hampshire, West Virginia, Arkansas, Kentucky, or Tennessee might have determined the outcome of the election. In any given election, it is possible for any state to be pivotal as Florida was in 2000. The key states in the close election of 1976 were Ohio and Mississippi, and in 1960 the critical states were Illinois and Texas (Archer et al., 2001). Over the long run, however, it is more likely that a large state will be pivotal rather than a smaller one.

The 2000 election results also called attention to the fact that it is possible for a candidate to win the election without winning a popular vote plurality. Bush supporters argued that the campaign strategies of both parties were influenced by the electoral procedure. Both sides concentrated their campaign funds, appearances and resources in states that they deemed likely to be closely contested. For example, Bush and Gore each made six or more personal appearances in Florida, as many as in any other state, while they spent little or no time in safely Democratic states such as New York or safely Republican states such as Texas (Archer et al., 2001). Had the objective of the campaign been to win a plurality of popular votes across the country, both sides would have devoted more effort to increasing voter turnout among their supporters and winning support from undecided voters regardless of their location. Thus Gore would have worked to increase his turnout in New York, while Bush would have worked to increase his turnout in Texas. As well, campaign appearances and political advertising would have been more concentrated in large metropolitan areas, which have the country’s largest media markets and highest voter populations.

On the day before the election, Bush campaigned in Gore’s home state of Tennessee and President Bill Clinton’s native state of Arkansas. He won both of these small, often Democratic states by narrow margins. Might his campaign appearances in Tennessee and Arkansas have tipped one or both into his column, securing the election? Regardless of whether these campaign appearances had any effect, it is certain that replacing the Electoral College system with direct election of the President by popular vote would dramatically alter the campaign strategies of the major parties, bringing with it an increasingly urbanized and less location-oriented politics at the Presidential level. This point was recognized three decades ago by the distinguished political journalist, Theodore H. White. In testimony before the Senate Judiciary Committee in 1970, White stated, “If States are abolished as voting units,
TV becomes absolutely dominant. Campaign strategy changes from delicately assembling a winning coalition of States and becomes a media effort to capture the largest share of the national 'vote market'” (White, 1970). Concern that their interests would be ignored has induced leaders in small states to oppose eliminating the Electoral College, despite Banzhaf's analysis. In light of recent evidence of increasing Republican strength in rural areas and in small states balanced by growing Democratic strength in large cities in large states (Barone, 2000), it is very unlikely that Republican leaders, especially from small and rural states, would support any effort to modify or eliminate the Electoral College.

A public opinion poll taken in late 2000, after the election, confirms that there is insufficient support among the American electorate to achieve the broad-based consensus needed for constitutional reform (Newport, 2001). The poll showed that 60% of Americans, including 41% of Republicans, 57% of Independents, and 75% of Democrats, favored amending the Constitution to modify or eliminate the Electoral College. The partisan division of the electorate on this issue is hardly surprising given the fact that the system worked to the Republicans' advantage in 2000, but the overall level of support is probably too small to ensure a constitutional change, which requires approval of a two-thirds majority of both houses of Congress along with ratification by three-quarters of the state legislatures.

Conclusion

The 2000 Presidential election, one of the closest in US history, was ultimately decided only after judicial reinterpretation of disputes concerning the popular vote outcome in the state of Florida. Because the election was so close and so controversial, many have argued for reforming or eliminating the Electoral College. However, any reform of the Electoral College would require a Constitutional amendment, and it is not likely that any reform effort will command a sufficiently broad base of support, across the political spectrum and in different regions of the country, to be enacted in the foreseeable future.

References

Barone, M. (2000), Puzzled by the State poll results? So are the candidates. US News and World Report, November 4, p. 16.