

How to Fix the Electoral College?

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You have probably voted in dozens (maybe hundreds) of elections for officers of organizations. Maybe you started by electing the President of your third grade class. In every election, the person with the most votes for President wins. Right? Except, of course, when you vote for President of the United States. Then, well, who knows who might win.

That needs to change! Twice since the year 2000 we have a President who did not win the most votes – Bush in 2000 and Trump in 2016. This needs to change, and here are some ways to do it, maybe even by the 2024 election.

There are the ways to change the way the electoral votes are allocated, WITHOUT amending the U.S. Constitution.

State legislatures specify how the electoral votes in their state will be allocated – this is NOT in the U.S. constitution. When we vote for President and Vice President, we are actually electing a slate of “electors” (chosen by the candidate, so presumably loyal to them). Whichever “slate” wins, their electors constitute the “electoral college” and cast their ballots.

Most state legislatures have chosen “winner take all” elections so that whichever candidate wins the popular vote in the state, all of the electoral votes go for that candidate. The losers, no matter how close the election, get no electoral votes.

This means, first, that if you cast a vote for the losing candidate(s), your vote is not counted in any way at all toward the final national vote since no electors representing your first choice were chosen from your state—even if you got almost half the votes!

Second, it means that third party candidates can become “spoilers” and take votes away from the person who otherwise would have won. For example, Jill Stein, the Green party candidate in 2016, got more votes in Michigan, Pennsylvania, and Wisconsin than Trump’s margin of victory; and many of those probably would have gone to Clinton if Stein had not been in the race. (Not all agree, they might have just stayed home, or voted for DJT). (More info here: <https://www.history.com/news/third-party-candidates-election-influence-facts>).

In short, there are many undemocratic characteristics of the way we conduct Presidential elections.

There are at least four ways to change this by state legislative action toward something more democratic, but the best of these is the

NATIONAL POPULAR VOTE INTERSTATE COMPACT. (NPVIC)

This is the quickest way to insure that whoever wins the most votes in a Presidential election will become President! It could be done in time for the 2024 election if enough state legislatures in the 2020 session voted to join the compact by passing legislation whereby the slate of electors chosen in the state would be the ones representing the President / Vice Presidential candidates that won the NATIONAL popular vote, rather than the slate that won the state vote.

<https://www.nationalpopularvote.com/>. So far, 15 states plus Washington D.C. have voted to join the National Popular Vote Interstate Compact. Collectively, they have 196 of the 270 votes needed to win a Presidential election. Thus, when enough states join the compact so that their total electoral votes is 270 or more, then the compact would go into effect and all the electors in those states would be the ones committed to the candidate who won the national popular vote and would cast their votes accordingly. States with 74 electoral votes are needed to complete the compact!

The U.S. Constitution, [Article II, Section 1, Clause 2](#) requires each state legislature to define a method to appoint its electors to vote in the Electoral College. The Constitution does not mandate any particular legislative scheme, States have chosen various methods of allocation over the years, with regular changes in the nation's early decades. Today, all but two states (Maine and Nebraska) award all their electoral votes to the single candidate with the most votes statewide (the so-called "winner-take-all" system). Maine and Nebraska currently award one electoral vote to the winner in each congressional district, and their remaining two electoral votes to the state-wide winner.

The NPVIC does not solve all problems with the system, but it would guarantee that the candidate who wins the most vote nationwide for president would become the president.

Here are several other ways that State Legislatures Could Change the Way the Electoral College System Works, along with how it would have changed the 2008 and 2016 results. Data adapted from the 270 to win web site

<https://www.270towin.com/alternative-electoral-college-allocation-methods/>

Winner Take All (the current system). (WTA) awards all electoral votes to the popular vote winner of the state. This is the current methodology in all but Maine and Nebraska. DJT won, as we know.

Congressional District - Popular (CDP) awards one electoral vote for each Congressional District the candidate wins, and then awards two electoral votes to the popular vote winner of the state. This approach is used by Maine and Nebraska. It could be adopted by state legislatures, not requiring amending the U.S. constitution. DJT would have won this, too, because he won more Congressional Districts and more states than Clinton. Democratic votes are clustered in states with big cities and big populations!

Congressional District - Majority (CDM) also awards one electoral vote to whoever wins the Congressional District, but then awards the other two (the "senate" votes) to whichever candidate won the most Congressional Districts. Also could be adopted state-by-state. DJT would have won this, too, because he won more CDs than Clinton.

Proportional Popular - Popular (PPV) awards two electoral votes to the popular vote winner of the entire state (off the top), with the remainder allocated based on the percentage of popular vote earned. A candidate who wins, for example, 40% of the vote would get 40% of the electors after two are awarded for the state-wide win. DJT would even have won this, too, because he won more CDs than Clinton and more states.

Popular Vote by State (PVS) awards all of the state's electoral votes proportional to the state's popular vote totals. If a candidate wins 10% of the vote; they get 10% of the electors; 60% of the popular vote of the state, they get 60% of the electors, etc. It does not produce the win for Clinton that one might think, because third parties got their share of the votes, and also because this still provides those two electoral votes for every state, that advantages smaller states. In this one, however, neither candidate would have 270 votes because of the votes going to third parties. The result then would go into the U.S. House of Representatives and they would have selected Trump.

Summary of Electoral Votes Using Alternate Allocation Methods

Methodology	How Electoral Votes are Allocated				2016 Election			2012 Election		
	State	Each CD	>50% CD	Pop Vote	Trump	Clinton	3rd	Romney	Obama	3rd
Actual					306	232		206	332	
Winner Take All	All				305	233		206	332	
Cong. District (CD)	2	1			290	248		274	264	
CD Majority		1	2		297	241		286	252	
Win + Popular	2			Proportional	276	257	5	255	282	1
Popular Only				Proportional	267	265	6	257	281	

Based on Election Day results (i.e., no faithless electors)

National Popular Vote Interstate Compact **268** **270 for Clinton (at least)**

Direct Election and Direct Election with Instant Runoff Voting:

The U.S. Constitution would need to be amended. Given the fact that small states enjoy the advantage of having the same number of electoral votes for each Senator as large states, it is unlikely that such an amendment would ever pass. Nevertheless, here is how it would work.

In a direct election, the Presidential candidate slate (President and VP) who got the most votes in the election would win. This, of course, would have given Gore the win in 2000 and Hillary Clinton the win in 2016.

However, what about the fact that third party candidates may pull off enough votes that no one has a clear majority? That is where “instant runoff voting” comes in.

Instant runoff voting is not complicated at all. In fact, it is amazingly simple. When you go vote, you rank the candidates indicating your first choice, your second choice, your third choice, and you might even rank on down to fourth choice (but probably not). In 2016, for example, you could have ranked Jill Stein (Green party) first, then Clinton second. When neither Clinton nor Trump had 50% of the vote, the votes are counted again. This time, Jill Stein is taken off the ballot and those who voted for her are now switched to the candidate they put in second place. If that was mainly Clinton, then she would have won. If Stein’s second choice was mainly Trump, then he would have won. In any election, after the first round if no one has a majority, then the candidate with the least votes would be taken off and those who voted for them would have their votes counted for their second choice. If still no one with 50% the lowest ranked candidate would again be taken off and those who voted for them would have their votes switched to their second choice, and so on.

Simple.

National Popular Vote Interstate Compact in Arizona.

This proposal has been introduced repeatedly in Arizona but for the past 12 years, at least, has not been given a hearing that resulted in a vote. Usually, it is introduced by Democrats, but sometimes there have been Republican co-sponsors.

Here’s the text of the one introduced in 2018. The “member state” refers to a member of the interstate compact. The bill is for Arizona to join this interstate compact.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 16, Arizona Revised Statutes, is amended by adding chapter 9, to read:

CHAPTER 9

AGREEMENT AMONG THE STATES TO ELECT

THE PRESIDENT BY NATIONAL POPULAR VOTE

ARTICLE 1. ADOPTION

16-1201. Adoption and text of compact

THE AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE IS ENTERED INTO BY THIS STATE WITH ALL OTHER JURISDICTIONS LEGALLY JOINING SUCH AGREEMENT IN THE FORM SUBSTANTIALLY AS FOLLOWS:

ARTICLE I—MEMBERSHIP

ANY STATE OF THE UNITED STATES AND THE DISTRICT OF COLUMBIA MAY BECOME A MEMBER OF THIS AGREEMENT BY ENACTING THIS AGREEMENT.

**ARTICLE II—RIGHT OF THE PEOPLE IN MEMBER STATES
TO VOTE FOR PRESIDENT AND VICE PRESIDENT**

EACH MEMBER STATE SHALL CONDUCT A STATEWIDE POPULAR ELECTION FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES.

**ARTICLE III—MANNER OF APPOINTING
PRESIDENTIAL ELECTORS IN MEMBER STATES**

A. BEFORE THE TIME SET BY LAW FOR THE MEETING AND VOTING BY THE PRESIDENTIAL ELECTORS, THE CHIEF ELECTION OFFICIAL OF EACH MEMBER STATE SHALL DETERMINE THE NUMBER OF VOTES FOR EACH PRESIDENTIAL SLATE IN EACH STATE OF THE UNITED STATES AND IN THE DISTRICT OF COLUMBIA IN WHICH VOTES HAVE BEEN CAST IN A STATEWIDE POPULAR ELECTION AND SHALL ADD SUCH VOTES TOGETHER TO PRODUCE A "NATIONAL POPULAR VOTE TOTAL" FOR EACH PRESIDENTIAL SLATE.

B. THE CHIEF ELECTION OFFICIAL OF EACH MEMBER STATE SHALL DESIGNATE THE PRESIDENTIAL SLATE WITH THE LARGEST NATIONAL POPULAR VOTE TOTAL AS THE "NATIONAL POPULAR VOTE WINNER".

C. THE PRESIDENTIAL ELECTOR CERTIFYING OFFICIAL OF EACH MEMBER STATE SHALL CERTIFY THE APPOINTMENT IN THAT OFFICIAL'S OWN STATE OF THE ELECTOR SLATE NOMINATED IN THAT STATE IN ASSOCIATION WITH THE NATIONAL POPULAR VOTE WINNER.

D. AT LEAST SIX DAYS BEFORE THE DAY FIXED BY LAW FOR THE MEETING AND VOTING BY THE PRESIDENTIAL ELECTORS, EACH MEMBER STATE SHALL MAKE A FINAL DETERMINATION OF THE NUMBER OF POPULAR VOTES CAST IN THE STATE FOR EACH PRESIDENTIAL SLATE AND SHALL COMMUNICATE AN OFFICIAL STATEMENT OF SUCH DETERMINATION WITHIN TWENTY-FOUR HOURS TO THE CHIEF ELECTION OFFICIAL OF EACH OTHER MEMBER STATE.

E. THE CHIEF ELECTION OFFICIAL OF EACH MEMBER STATE SHALL TREAT AS CONCLUSIVE AN OFFICIAL STATEMENT CONTAINING THE NUMBER OF POPULAR VOTES IN A STATE FOR EACH PRESIDENTIAL SLATE MADE BY THE DAY ESTABLISHED BY FEDERAL LAW FOR MAKING A STATE'S FINAL DETERMINATION CONCLUSIVE AS TO THE COUNTING OF ELECTORAL VOTES BY CONGRESS.

F. IN EVENT OF A TIE FOR THE NATIONAL POPULAR VOTE WINNER, THE PRESIDENTIAL ELECTOR CERTIFYING OFFICIAL OF EACH MEMBER STATE SHALL CERTIFY THE APPOINTMENT OF THE ELECTOR SLATE NOMINATED IN ASSOCIATION WITH THE PRESIDENTIAL SLATE RECEIVING THE LARGEST NUMBER OF POPULAR VOTES WITHIN THAT OFFICIAL'S OWN STATE.

G. IF, FOR ANY REASON, THE NUMBER OF PRESIDENTIAL ELECTORS NOMINATED IN A MEMBER STATE IN ASSOCIATION WITH THE NATIONAL POPULAR VOTE WINNER IS LESS THAN OR GREATER THAN THAT STATE'S NUMBER OF ELECTORAL VOTES, THE PRESIDENTIAL CANDIDATE ON THE PRESIDENTIAL SLATE THAT HAS BEEN DESIGNATED AS THE NATIONAL POPULAR VOTE WINNER SHALL HAVE THE POWER TO NOMINATE THE PRESIDENTIAL ELECTORS FOR THAT STATE AND THAT STATE'S PRESIDENTIAL ELECTOR CERTIFYING OFFICIAL SHALL CERTIFY THE APPOINTMENT OF SUCH NOMINEES.

H. THE CHIEF ELECTION OFFICIAL OF EACH MEMBER STATE SHALL IMMEDIATELY RELEASE TO THE PUBLIC ALL VOTE COUNTS OR STATEMENTS OF VOTES AS THEY ARE DETERMINED OR OBTAINED.

I. THIS ARTICLE SHALL GOVERN THE APPOINTMENT OF PRESIDENTIAL ELECTORS IN EACH MEMBER STATE IN ANY YEAR IN WHICH THIS AGREEMENT IS, ON JULY 20, IN EFFECT IN STATES CUMULATIVELY POSSESSING A MAJORITY OF THE ELECTORAL VOTES.

ARTICLE IV—OTHER PROVISIONS

A. THIS AGREEMENT SHALL TAKE EFFECT WHEN STATES CUMULATIVELY POSSESSING A MAJORITY OF THE ELECTORAL VOTES HAVE ENACTED THIS AGREEMENT IN SUBSTANTIALLY THE SAME FORM AND THE ENACTMENTS BY SUCH STATES HAVE TAKEN EFFECT IN EACH STATE.

B. ANY MEMBER STATE MAY WITHDRAW FROM THIS AGREEMENT, EXCEPT THAT A WITHDRAWAL OCCURRING SIX MONTHS OR LESS BEFORE THE END OF A PRESIDENT'S TERM SHALL NOT BECOME EFFECTIVE UNTIL A PRESIDENT OR VICE PRESIDENT SHALL HAVE BEEN QUALIFIED TO SERVE THE NEXT TERM.

C. THE CHIEF EXECUTIVE OF EACH MEMBER STATE SHALL PROMPTLY NOTIFY THE CHIEF EXECUTIVE OF ALL OTHER STATES OF WHEN THIS AGREEMENT HAS BEEN ENACTED AND HAS TAKEN EFFECT IN THAT OFFICIAL'S STATE,

WHEN THE STATE HAS WITHDRAWN FROM THIS AGREEMENT, AND WHEN THIS AGREEMENT TAKES EFFECT GENERALLY.

D. THIS AGREEMENT SHALL TERMINATE IF THE ELECTORAL COLLEGE IS ABOLISHED.

E. IF ANY PROVISION OF THIS AGREEMENT IS HELD INVALID, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED.

ARTICLE V-DEFINITIONS

FOR PURPOSES OF THIS AGREEMENT:

1. "CHIEF ELECTION OFFICIAL" MEANS THE STATE OFFICIAL OR BODY THAT IS AUTHORIZED TO CERTIFY THE TOTAL NUMBER OF POPULAR VOTES FOR EACH PRESIDENTIAL SLATE.

2. "CHIEF EXECUTIVE" MEANS THE GOVERNOR OF A STATE OF THE UNITED STATES OR THE MAYOR OF THE DISTRICT OF COLUMBIA.

3. "ELECTOR SLATE" MEANS A SLATE OF CANDIDATES WHO HAVE BEEN NOMINATED IN A STATE FOR THE POSITION OF PRESIDENTIAL ELECTOR IN ASSOCIATION WITH A PRESIDENTIAL SLATE.

4. "PRESIDENTIAL ELECTOR" MEANS AN ELECTOR FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES.

5. "PRESIDENTIAL ELECTOR CERTIFYING OFFICIAL" MEANS THE STATE OFFICIAL OR BODY THAT IS AUTHORIZED TO CERTIFY THE APPOINTMENT OF THE STATE'S PRESIDENTIAL ELECTORS.

6. "PRESIDENTIAL SLATE" MEANS A SLATE OF TWO PERSONS, THE FIRST OF WHOM HAS BEEN NOMINATED AS A CANDIDATE FOR PRESIDENT OF THE UNITED STATES AND THE SECOND OF WHOM HAS BEEN NOMINATED AS A CANDIDATE FOR VICE PRESIDENT OF THE UNITED STATES, OR ANY LEGAL SUCCESSORS TO SUCH PERSONS, REGARDLESS OF WHETHER BOTH NAMES APPEAR ON THE BALLOT PRESENTED TO THE VOTER IN A PARTICULAR STATE.

7. "STATE" MEANS A STATE OF THE UNITED STATES AND THE DISTRICT OF COLUMBIA.

8. "STATEWIDE POPULAR ELECTION" MEANS A GENERAL ELECTION IN WHICH VOTES ARE CAST FOR PRESIDENTIAL SLATES BY INDIVIDUAL VOTERS AND COUNTED ON A STATEWIDE BASIS

And finally, some announcements

- **Environment Advocacy!** Want to know how you can be a better advocate for the environment?
- Here's the **Citizen's Climate Lobby** sponsored by the **Valley Unitarian Universalist Congregation** in the South Valley https://citizensclimatelobby.org/chapters/AZ_Phoenix-South_Valley/
- **Be an advocate!** <https://environmentarizona.org/>.
- Or find a CCL near you: Find one near you at this link <https://citizensclimatelobby.org/about->

Hold the date! OCTOBER 26! "UUJAZ's Issues + Action Day will combine justice partners leading us in actions, incredible food and time for building relationships, inspiring music and speakers, and a surprise evening event! Join us at the UU Church of Surprise October 26th. More details to come when tickets go on sale in August... mark your calendars, you won't want to miss it!" UUs and progressives everywhere are welcome!

Resistbot.io - How to use it. Click on the “messages” icon on your I-phone, then click on the pencil in the top right-hand corner. You will get a “To: ” screen. Put in 504-09 and then in the message type “resist.” They will respond and ask for your zip code or address and what you want to do. This is a free service, reportedly developed by volunteers. It will ask for your zip code or address, and then you can send a fax, letter, make a phone call, send an e-mail to Sen. Sinema and McSally and the House member as well or even to Governor Ducey.

After you have sent several, it will ask you which of the various people you want it sent to. At first, it just sends to all three, later it will add state-level elected officials, too. You get more services after you’ve used it awhile!

Want to subscribe to the Arizona Legislative Alert? The AZ Legislative Alert is published weekly during the session to alert progressive, social justice advocates, to legislation that they may want to support or oppose. When the Legislature is not in session, it is published sporadically! You can sign up by sending an email to legislativeadvocacy@vuu.org. It is written and published by Anne L. Schneider, Ph.D. retired political science professor and former Dean of ASU’s College of Public Programs.

[Valley Unitarian Universalist Congregation](#) –

Senior Minister, Rev. Dr. Andy Burnette; Music Minister, Rev. Kellie Walker; Director of Faith Formation, Marci Beaudoin. Administrator, Sue Ringler. Located: 6400 W. Del Rio Drive, Chandler, AZ 480 899 4249 www.vuu.org For previous copies of the *Arizona Legislative Alert*, and for all weeks (so far) of the 50 Week Action Plan go to <https://www.vuu.org/legislative-advocacy>. VUU holds services at 10:30 to 11:30 on Sunday. There are numerous discussion / forums before and after the service. You are welcome here.

[Unitarian Universalist Justice Arizona Network](#) -- Executive Director Jenine Galsinger; [Policy Coordinator](#), Anne L. Schneider. [Board Members, UUJAZ](#): Sharon Travis, Rev. Matthew Crary, Rev. Terry Sims, Molly Divine. www.uujaz.org.

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