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FairVote Policy
PERSPECTIVE

Fuzzy Math:
Wrong Way Reforms for Allocating Electoral College Votes
(Problems with the Whole Number Proportional and Congressional District Systems)

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SUMMARY

This paper analyzes two of the three major options available to state leaders interested in taking action to reform how a state allocates its Electoral College votes: the whole number proportional plan and congressional district system. The report evaluates them on the basis of whether they promote majority rule, make elections more nationally competitive, reduce incentives for partisan machinations, and make all votes count equally. We use vote returns from a number of previous elections to analyze what the outcomes would have been if Electoral College votes had been allocated according to the whole number proportional and the congressional district systems.

Our analysis reveals that both of these methods fail to meet our criteria. Neither reform option promotes majority rule, greater competitiveness nor voter equality. Pursued at a state level, both reforms dramatically increase incentives for partisan machinations. If done nationally, the congressional district system has a sharp partisan tilt toward the Republican Party, while the whole number proportional system sharply increases the odds of contingent elections (the selection of president by the U.S. House of Representatives).

For states seeking to exercise their responsibility under the U.S. Constitution to choose a method of allocating electoral votes that best serves their state's interest and that of the national interest, both alternatives fall far short of the National Popular Vote plan, which is under consideration in a number of states.

Report Outline

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1. Introduction

The Constitution establishes the office of the presidential elector and allots each state a number of electors equal to its total number of seats in Congress – one for each U.S. House Member and one for each U.S. Senator. It also gives states plenary power in determining the manner in which to choose their electors and distribute their electoral votes among presidential candidates.

Early in American history, many states chose not to hold popular elections for president, and over the years have adopted a variety of methods for choosing their electors. The winner-take-all or "unit rule" system, in which the presidential candidate winning the plurality of votes in a state takes all its electors, eventually became the norm.

This report examines two of the three major alternatives to the unit rule that states have considered in recent years, which can be enacted at the state level without a federal constitutional amendment or involvement of the U.S. Congress:

1. The **whole number proportional system**, in which a state's Electoral College votes are divided proportionally among candidates, rounded off to the nearest whole number, according to the percentage of votes received in the state by each presidential slate.

2. The **congressional district system**, in which one elector is elected from each U.S. House district and two electors, corresponding to Senate seats, are elected statewide. This method is currently used in Maine and Nebraska, while the rest of country follows the unit rule approach.

We evaluate these two alternative systems through the lens of five criteria:

1. **Majority rule**: The ideal electoral system should accurately reflect voter intent as measured by the national popular vote, ensuring that any candidate who wins a majority of votes nationwide is elected president.

   Analysis: Neither the whole number proportional nor the congressional district system guarantees accurate reflection of the will of the majority as measured by the national popular vote. Done in all states or even just a handful of states, the whole number proportional system increases the odds of elections being decided in the U.S. Congress rather than by voters. The congressional district system would have overturned the national popular vote winner in 2000 and, possibly, 1976.

2. **Competition for votes**: Competitive choice is a highly desirable characteristic because it means that voters have an incentive to vote and campaigns have an incentive to pay attention to voters' concerns in all parts of the country.

   Analysis: Neither system makes presidential elections competitive on a national basis. Both have perverse consequences where voters will gain widely differing attention based on their state's population and competitiveness.

3. **Partisan consequences:** Reform proposals that transparently benefit one party over another raise troubling questions about how reform will be pursued and how voters will evaluate it.

   Analysis: Done state-by-state, both approaches are highly prone to partisan calculations, as they award electoral votes to the party that finishes second and, under the current system, wins no electoral votes in presidential races. Done nationally, the congressional district system has a large bias for the Republican Party because the Democratic vote is generally more concentrated.

4. **Voter equality:** Voters for our one national office should have equal voting power.

   Analysis: Neither system achieves voter equality. The whole number proportional system in fact increases inequality.

5. **Keeping elections in the hands of voters:** The U.S. Constitution stipulates that if no candidate wins an absolute majority of Electoral College votes, then the U.S. House will elect the president (with each state's delegation having a total of one vote, and the winner needing support from a majority of states) and the U.S. Senate will elect the vice-president. We prefer a system in which the presidency is decided directly on the basis of popular votes cast.

   Analysis: The congressional district system is not likely to have an impact on whether Congress will pick the president, but the whole number proportional system dramatically increases these odds, particularly if done nationally.

2. Whole Number Proportional System

The whole number proportional approach divides a state's electoral votes among presidential candidates on the basis of each candidate's share of the statewide popular vote. The share is rounded off to the nearest whole number in order to preserve the indivisibility of a single electoral vote. This rounding-off rule is necessary in order to maintain the office of the presidential elector established under the federal constitution.

The rounding-off rule implies that under the whole number proportional (or WNP) system, a given number of electoral votes in a state will correspond to a range of percentage share of the popular vote. For example, if a state has three electoral votes, a 60 percent popular vote share will translate into 1.8 electoral votes and a 75 percent share into 2.25 electoral votes, but both will round off to two electoral votes. As long as a candidate's popular vote share lies within a certain range, he or she will win exactly two electoral votes.

The formula for calculating the breakpoint (upper limit of the range of popular vote percentages corresponding to a given number of electoral votes) is the following, with "T" as the breakpoint, "x" as the number of electoral vote(s) corresponding to the breakpoint, and "n" as the total number of electoral votes.

$$T = (x + 0.5) / n$$

For example, for a state with a total of three electoral votes, the breakpoint between one and two electoral votes is:

$$T = (1 + 0.5) / 3 = 0.5, \text{ or } 50\%.$$

The breakpoint between two and three electoral votes is:

$$T = (2 + 0.5) / 3 = 0.833, \text{ or } 83.3\%.$$

Therefore, if a candidate's vote share is more than 50 percent, but less than or equal to 83.3 percent, he or she will win two electoral votes. If, on the other hand, it is more than 83.3 percent he or she will win all three electoral votes. As will be shown below, the need to round off the vote share has highly undesirable and counter-intuitive consequences.

2.1 Close elections reveal differences between systems

Almost any electoral system would produce the same winner in a landslide election; however, close elections illustrate differences among various systems and help analyze their strengths and weaknesses. This report considers three of the closest elections held in the last century – 1960, 1968, and 2000:

1. John Kennedy defeated Richard Nixon in the 1960 general elections by a margin of 112,827 votes nationwide, or a percentage difference of 0.16 percent of the total votes cast.
2. In the election of 1968, Nixon emerged ahead of Hubert Humphrey by a vote margin of 511,944 votes, or 0.7 percent.
3. In the 2000 elections George Bush won despite trailing Al Gore in the popular vote by 543,816 or 0.52 percent.

The popular votes won by each candidate in these elections are used below in determining the allocation of electoral votes under the whole number proportional system (see Tables 1 and 4).

2.2 WNP distributes Electoral College votes more equitably

The following table summarizes the raw number and percentage share of popular and electoral votes for candidates in the 1960, 1968, and 2000 elections. It shows both the actual distribution of Electoral College votes (under the unit rule system) as well as what the distribution would have been under the whole number proportional system if applied in all states.

Table 1. Electoral Vote Distribution under WNP System

Year	1960			1968			2000		
Candidate	Kennedy	Nixon	Others*	Nixon	Humphrey	Others*	Bush	Gore	Nader
Pop. Vote	34,220,984	34,108,157	503,341	31,783,783	31,271,839	10,144,376	50,460,110	51,003,926	2,883,105
% Total	49.72%	49.55%	0.73%	43.42%	42.72%	13.53%	47.87%	48.38%	2.73%
Actual Distribution of Electoral College Votes (Unit Rule)									
EC Vote	303	219	15	301	191	46	271	266**	0
% Total	56.42%	40.78%	2.79%	55.95%	35.50%	8.55%	50.37%	49.44%	0
Distribution of Electoral College Votes under WNP System									
EC Vote	270	261	6	235	225	78	262	262	13
% Total	50.28%	48.60%	1.12%	43.68%	41.82%	14.50%	48.7%	48.7%	2.42%

* Other candidates and write-ins, collectively. George Wallace received the bulk of these votes.
** In D.C., one Gore elector abstained from voting.

In the 1960 election, Kennedy had a 0.17 percent lead over Nixon in the national popular vote. Under the unit rule system, this translated into a 15.64 percent lead in the Electoral College. Using the WNP system, on the other hand, Kennedy would have led by 1.68 percent of the total votes in the Electoral College.

In the 1968 election, Nixon won by a margin of 0.7 percent of popular votes, but led Humphrey by a 20.95 percent vote share in the Electoral College, with George Wallace trailing in third with 46 electoral votes. Under the WNP system, Nixon's Electoral College lead would have been 1.86 percent. In the 2000 election, Bush lagged behind Gore by 0.52 percent in the popular vote, but had a lead of 0.93 percent in the Electoral College. Under the WNP system, on the other hand, Gore and Bush would have tied at 262 Electoral College votes each.

Consequently, in each of these three cases the WNP system fares better than the current unit rule in terms of achieving a closer approximation of the popular vote share in the Electoral College. It distributes electoral votes more equitably among candidates, reducing the inflated victory margins created by the unit rule system.

However, the following discussion will demonstrate how, even though the WNP system brings Electoral College vote distribution closer to the distribution of popular votes, it does not ensure that an election's outcome will always be in keeping with the popular mandate. This is a fundamental flaw, as presidential elections are not primarily about fair representation of electors: they are about a fair method of electing a single president.

2.3 WNP increases possibility of contingent elections

The U.S. Constitution states that in the rare event of an election yielding no majority winner in the Electoral College (threshold of 270 votes), the House of Representatives will vote to elect the president. Only the top three popular vote winners will remain in contention, and each state delegation, rather than individual representatives, will cast one vote. The Senate selects the vice-president, who will become president if no candidate can win support from an absolute majority of U.S. House state delegations.

Under the WNP system in all states, Kennedy in 1860 would have barely won a majority of the Electoral College with 270 votes. In 1968, Nixon's vote share would have been 235 votes, with Humphrey following at 225 and George Wallace with 78 votes. In 2000, Bush and Gore would have tied at 262 votes each. In other words, of these three elections, only the 1960 election would have had a winner determined by voters under the WNP system, while both the 1968 and

the 2000 elections would likely have thrown up a contingent outcome and would have required resolution by Congress.

If the WNP system were in place, contingent elections might have occurred in several other 20th century elections that we do not analyze – for instance, victories by Woodrow Wilson in 1912, Harry Truman in 1948, and Bill Clinton in 1992 and possibly 1996.

With such outcomes, candidates would be likely to attempt to avoid a vote in Congress by striking deals that almost certainly would be viewed suspiciously by voters. For example, in 1968, the independent Wallace, with a strong support base in the South among backers of reversing desegregation, would have been in a position to influence the outcome before the December 1968 meeting of the electors because he would have been able to bargain with Richard Nixon or Hubert Humphrey about instructing his electors to support one of those candidates. If such a deal had fallen through, Congress would have likely elected Humphrey despite Nixon's national popular victory, as Democrats held a majority of state U.S. House delegations at the time.

2.4 WNP does not ensure accurate reflection of the national popular mandate

Regardless of the eventual outcome in 1968 and 2000 under the WNP system, the fact that these complications would have arisen despite a clear winner in terms of the national popular vote reveals a major weakness of the system. By allocating votes more evenly between candidates, it makes landslide Electoral College wins highly unlikely. But, by the same token, it increases the possibility of a contingent outcome.

Since the WNP system achieves a more equitable allocation of Electoral College votes at the expense of making contingent elections more likely, it ultimately fails in the objective of always reflecting the national popular mandate.

Some suggest that this weakness can be remedied by awarding Electoral College votes to the top two candidates only. In 2000, this rule would have eliminated Nader's electoral votes and Gore would have ended up with 270 and Bush with 268 votes, thus barely avoiding a contingent outcome. If applied to 1968, however, this would have had little impact on the result, as Wallace was in the top two in several southern states.

WNP does not always ensure outcomes are consistent with the national popular vote winner because of lack of exact translation of popular vote percentage into electoral vote percentage. About three quarters of states (34 in the 2008 election) have a below-average number of electoral votes. The smaller the number of Electoral College votes a state possesses, the larger the percentage share of popular votes corresponding to one electoral vote under the whole number proportional approach. In an average-sized state with 11 electoral votes, one electoral vote corresponds to a 9.09 percent share of the state's popular vote, whereas in states with only three electoral votes, one electoral vote corresponds to a 33.3 percent share of the statewide popular vote.

Except for occasional landslides (e.g., Reagan's 60 percent win in 1984, Nixon's 61 percent win in 1972 and Johnson's 61 percent in 1964), most elections are decided by only a few percentage points nationally. A system that requires a 33 percent share or a 9 percent share of the popular vote in a state in order to win one electoral vote is unresponsive to the small-percentage vote shifts that are typically encountered in non-landslide elections.

2.5 Understanding electoral competitiveness

The competitiveness of an election depends on the difference in percentage share of votes between the winning and the losing parties – the narrower the gap, the more competitive the election. Intense campaign activity in a presidential race may increase a candidate's percentage of the vote by a few percentage points, but any state where such an increase is unlikely to affect the outcome is not competitive.

2.6 Competitiveness under the unit rule system

Under the unit rule, "statewide winner-take-all" system used in most states today, the competitiveness of a state can be fairly measured in terms of FairVote's definition of state partisanship, i.e. the degree to which a state's division of votes between the two major parties is likely to deviate from the national partisan division.

FairVote measures partisanship on a scale of 0-100 percent from the perspective of the Republican Party, meaning that in a state where no votes are cast for the Republican candidate in a nationally even year would have a partisanship of 0 percent, and a state where all votes are cast for the Republican candidate would have a partisanship of 100 percent. States with a partisanship of 47.5-52.5 percent are considered competitive under the unit rule, and the farther a state falls outside this range, the lower its competitiveness.

2.7 Competitiveness under WNP

Under the whole number proportional system, the definition and measure of competitiveness would change. The competitiveness of a state would depend on the difference between the actual percentage vote share of a candidate and the nearest breakpoint (calculated as shown above). Through their campaign activity, candidates can swing only small vote percentages in their favor; therefore, under the whole number proportional approach, only states where the actual vote percentage for a candidate lies within, say, 2.5 percentage points of a breakpoint are assumed to be competitive.

The following table on page eight lists the competitive states in the 1960, 1968, and 2000 elections, as well as the states that would hypothetically be competitive under the WNP system for the same years. For the WNP system, the swing status of a state is determined on the basis of whether either of the *top two* presidential candidates' vote shares was within 2.5 percentage points of a breakpoint.

A new list of states would attain battleground status under the WNP system, but the overall effect would be the same as under the current unit rule system, i.e. a dichotomy between competitive and non-competitive states. The WNP system would replace the unit rule scenario with a "winner-take-one-more" scenario, in which campaign strategies would revolve around winning a single extra electoral vote here and there from a small group of battleground states.

These new battlegrounds would be due to one of the parties' vote share being near a breakpoint; however, this could just as easily be in a state with 68-32 percent partisanship divide as in a 50-50 partisanship state. Indeed, a state with 50-50 partisanship (logically the most competitive) but having an even number of electoral votes would be least likely to gain attention because states with even number of electoral votes do not have a breakpoint at 50 percent.

Furthermore, candidates may cede campaign activity in the biggest population states on this list of potentially competitive states, as the cost of shifting 2.5 percent of the vote in a state like California would be much more than the cost of gaining 2.5 percent in a smaller population state. The big winners, then, would be relatively small population states that happen to be near a breakpoint to win one more electoral vote. Big population states that theoretically could swing one more electoral vote still may end up being ignored by the candidates.

The whole number proportional system is prone to counterintuitive results due to its lack of responsiveness to small shifts in popular vote share. Consider small states with an even number of Electoral College votes. In a state like Hawaii with four electoral votes, any shift in popular vote share within the range of 37.5-62.5 percent would have the exact same result: an even division of electoral votes.

In other words, even if a party increases its popular vote share from, say, 40 percent to 60 percent, its share of electoral votes will not change and will in fact be the same as that of the other party, making the state completely irrelevant from a campaign perspective. If one candidate were ahead in Hawaii by 56 percent to 44 percent in the polls, the state definitely would be ignored. Even if the trailing candidate's backers remarkably turned the result around so that they won the state 51 percent to 49 percent, it would have no impact on each candidate winning two and only two electoral votes.

3. Congressional District System

Under the congressional district system of allocating electoral votes, each U.S. House district in a state would elect one presidential elector, while the statewide winner would take the two U.S. Senate electors. Using the same criteria as above to evaluate the desirability of this alternative allocation system, we find that the congressional district approach neither reflects the popular mandate, nor increases the competitiveness of presidential elections.

3.1 Three close elections and one landslide victory

The following table summarizes the results of the presidential elections of 1968, 1972, 1976, and 2000. It lists the actual votes won by the candidates as well as the hypothetical distribution of Electoral College votes under the congressional district system.

Table 3. Electoral Vote Distribution under Congressional District System

Year	1968			1972		1976		2000	
Candidate	Nixon	Humphrey	Wallace	Nixon	McGovern	Ford	Carter	Bush	Gore
Pop. Vote	31,783,783	31,271,839	10,144,376	47,168,710	29,173,222	39,148,634	40,831,881	504,601,110	51,003,926
% Total	43.42%	42.72%	13.53%	60.67%	37.52%	48.02%	50.08%	47.87%	48.38%
Electoral Vote Distribution (Unit Rule)									
EC Vote	301	191	46	520*	17	240**	297	271	266***
% Total	55.95%	35.50%	8.55%	96.65%	3.16%	44.8%	55.2%	50.37%	49.44%
Electoral Vote Distribution (Congressional District System)									
EC Vote	292	183	56	478	60	268	270	288	250
House-Senate-DC	228-64	154-26-3	46-10	88.84%	11.15%	214-54	221-46-3	228-60	207-40-3
% Total	53.7%	34.4%	10.4%	88.85%	11.15%	49.8%	50.2%	53.53%	46.47%

*1972: In Virginia, one Nixon elector cast his vote for John Hospers (President) and Theodora Nathan (Vice-President).
**1976: In Washington State, one Ford elector cast his vote for Ronald Reagan (President) and Bob Dole (Vice-President).
***2000: One Gore elector abstained from voting in Washington, D.C.

3.2 Congressional district system can distort the national popular vote

The chart shows how the congressional district system can greatly distort the national popular vote. In the 1968 elections, for example, Richard Nixon led Hubert Humphrey by 0.7 percent in the popular vote share, but had a 20.95 percent lead under the current rules of the Electoral College. Using the congressional district system, Nixon's Electoral College lead would still have been 19.3 percent.

In 1972, Nixon won a landslide victory over George McGovern. His popular vote lead was 23.15 percent, which translated into an Electoral College lead of 93.5 percent under current state rules. Under the congressional district system, his Electoral College lead would have been at 77.7 percent – smaller than with the unit rule allocation, but still considerably inflated compared to the popular vote difference.

In the election of 1976, Jimmy Carter led Gerald Ford by 2.1 percent in the popular vote, and 10.4 percent under the current Electoral College rules; under the congressional district system, however, his Electoral College majority would have been reduced to only 0.4 percent. Ford would have fallen just two votes short of making the election contingent -- and indeed he would have won without the three electoral votes Carter won in the District of Columbia due to the 23rd amendment to the Constitution.

In 2000, again, George Bush lost the popular vote to Al Gore by 0.52 percent, but led in the Electoral College by 0.93 percent. With the congressional district method of allocation, Bush's share would have exceeded Gore's by as much as 7.06 percent.

Clearly, the congressional district system does not achieve equitable distribution of electoral votes and, hence, fails to accurately reflect the national popular vote share. It displays the same sort of distortion from which the current unit rule system suffers, inflating Electoral College victory margins and allowing candidates trailing in the popular vote to win the electoral vote and, hence, the presidency. Unlike the statewide unit rule, however, there is a general bias toward the Republican Party because the Democratic vote is more concentrated within states. The fact that Democrats can win a majority of the U.S. House of Representatives does not change this bias; rather, it simply shows that for Democrats to win control of the U.S. House, a large number of Democratic congressional candidates must win in Republican-leaning districts.

The inability of the congressional district approach to accurately reflect the national popular vote in the cases analyzed here is not mere coincidence. It is, by design, susceptible to three sources of error that lead to outcomes deviating from the national popular vote.

3.3 Differences in district-wise concentration of partisan support

First, congressional districts are overall skewed in favor of Republicans. This is due almost entirely to the fact that the Democratic vote is relatively concentrated in those geographic areas where Democrats are in the majority, while Republican support is more evenly spread across non-Democratic strongholds. For example, Bill Clinton won at least 26 percent of the vote in every congressional district in the nation while winning 49 percent overall in 1996, while George Bush won only single digits in some districts while winning 51 percent of the vote in 2004.

This skew partially explains why Nixon won 52.9 percent of the congressional districts in 1968 with 43.4 percent of the national popular vote, while Humphrey won just 36.2 percent of congressional districts with 42.7 percent of the national popular vote. Similarly, Bush carried 228 of the 435 congressional districts in 2000, whereas Gore carried only 207 districts that year despite the fact that Gore received 543,816 more popular votes nationwide than Bush. In other words, the bias in congressional district wins distinctly would favor the Republican candidate in nationally competitive elections.

The Republican geographical bias in congressional districts became even more pronounced after the 2000 census. The congressional district boundaries that were in place at the time of the 2000 presidential election were, of course, the ones that were adopted in the early 1990s using data from the 1990 federal census. When the results of the 2000 presidential election are viewed from the perspective of the up-to-date congressional districts based on data from the 2000 federal census (i.e., those first used in the 2002 congressional elections), George W. Bush wins 241 (55 percent) of the 435 congressional districts, compared to Al Gore's 194 districts. In the 2004 elections, Democrat John Kerry carried Michigan, winning 51 percent of the statewide popular vote, but he carried only five of 15 congressional districts. If Michigan used the congressional district system, Republicans would have taken ten of the state's seventeen electoral votes.

In 2008, there were five states won by the Democratic candidate Barack Obama in which his opponent, John McCain, carried more congressional districts. These were Indiana (three for Obama, six for McCain), Florida (ten for Obama, 15 for McCain), Ohio (eight for Obama, then for McCain), Colorado (three for Obama, four for McCain) and Pennsylvania (nine for Obama, ten for McCain).

This greater skew for Republicans after the 2002 elections in fact is more along the lines of historical patterns. In 1972, for example, Richard Nixon ran ahead of his national average in 285 districts and behind his national average in only 150 districts – meaning that if that contest against George McGovern had been 50-50 percent nationally, Nixon would likely have won 135 more congressional districts.

3.4 Statewide unit rule for Senate electoral votes

The second systemic weakness with congressional district allocation is that it retains the existing statewide unit rule approach for the votes corresponding to U.S. Senate seats as well as D.C.'s three electoral votes and the other one-seat states (for a total of 110 of 538 electoral votes decided on the same basis as the current system. Insofar as it resembles the current unit rule system, it is susceptible to the same set of the problems as the latter. Thus, by carrying ten more states than Al Gore in 2000, George Bush would have won 20 more of the "Senate seat" electoral votes despite losing the national popular vote.

3.5 District-wise allocation of votes for nationwide elections

The third and most fundamental reason why the congressional district approach does not accurately reflect the nationwide popular vote is simply that it is a unit rule, winner-take-all, *district* system. At the end of the day, the congressional district approach would merely replace one kind of district (the existing state boundaries) with another (the congressional district boundaries) for 435 of the 538 presidential electors. It is not "proportional."

4.1 All states, regardless of size, have two Senatorial electoral votes

A vote cast in a large state for the two statewide (senatorial) presidential electors has less weight than a vote cast in a small state for its two senatorial electors. For example, in the 2000 presidential election, Wyoming had two statewide presidential electors (with a 1990 population of 453,588), whereas California had two statewide presidential electors (with a 1990 population of 29,760,021).

4.2 Apportionment of electoral votes not proportional to state populations

A vote cast in certain states has less weight than a vote cast in certain other states because of inequalities in the apportionment of the membership of the House of Representatives among the several states. For example, in the 1990 census, Wyoming had a population of 453,588, and Montana has 799,065; however, both states received one House seat. Numerous other such substantial variations could be cited between various pairs of states, including variations among states with differing number of electoral votes.

4.3 Differences in voter-turnout

Third, among states with equal numbers of electoral votes, a vote cast in a state with a lower voter turnout has a greater weight than a vote cast in a state where more votes are cast. Voter turnout may be high in a particular state because of a high level of civic participation (e.g. Oregon and Idaho) or because the state is fast growing during the course of a decade (e.g. Nevada in the past decade). These distortions based on turnout can be particularly pronounced with congressional districts, especially those operating with lopsided majorities in favor of one party.

5. Increased Partisan Calculations if Implemented State-by-State

Advocates of either the whole number proportional allocation system or congressional district allocation system might respond to these criticisms by suggesting that they need not be done nationally in all states, but done state-by-state. But if anything, such state-by-state reforms are even worse, as they inevitably will lead to partisan calculations, particularly when advanced in states that are safe for one party or the other under the current unit rule system.

In late 2000, for example, noted Republican strategist Grover Norquist urged three states with Republican governors and Republican-controlled state legislatures to go to a congressional district or proportional allocation system. It was not coincidental that these states were ones regularly won by Democrats in nationally close presidential elections: Michigan, New Jersey and Pennsylvania.

In 2007, North Carolina came close to adopting a congressional district allocation system that that in 2008 would have guaranteed four or five electoral votes to a Democratic presidential candidate no matter what happened statewide (although, ironically, Barack Obama ended up carrying the state and winning all of North Carolina's electoral votes). Similarly, in August 2007 leading California Republicans initiated an effort for a June 2008 ballot measure to establish the congressional district system– one that would almost certainly result in a bigger bloc of electoral votes going to a Republican candidate than the total number of votes at stake in Ohio. After a storm of criticism, they backed the effort, but in September 2011, Republicans in control of

Pennsylvania are talking about going to a district system that might well guarantee their candidate a majority of the state's electoral votes even when losing the statewide popular vote.

Even when pursued without partisan intentions, a mix of states using different approaches will distort national outcomes based on the partisan leanings of those states. It would also further exaggerate distortions among states in campaigning. At its most extreme, consider a scenario in which every state used proportional allocation of electoral votes except Texas, which maintained the winner-take-all unit rule. The candidates would abandon all campaigning in every state except Texas, as its vote would be sure to decide the presidency.

6. Conclusion

This analysis demonstrates fundamental problems with the whole number proportional and congressional district systems of allocating Electoral College votes. Some suggest these approaches as alternatives for reforming the winner-take-all unit rule system that has so distorted candidate attention and upset the principle of majority rule. However, neither approach resolves the problems of the unit rule, winner-take-all system – they merely lead to a different manifestation of the same basic weaknesses, and add new complications.

What we need is a presidential election that is competitive across the nation and makes all areas and all voters equally relevant, making each vote count equally, and ensuring that the candidate who truly represents the popular will gets elected.

For reformers in the states, there is no real choice: the only defensible approach over time is the National Popular Vote plan, a state-based reform plan that has been debated in all 50 states and adopted in states and jurisdictions collectively holding 132 electoral votes (as of this writing in September 2011). Under the National Popular Vote plan, states enter into an interstate agreement to award their Electoral College votes to the candidate who wins the nationwide popular vote in all 50 states and the District of Columbia. The agreement will come into effect for the next presidential election as soon as enough states join it to make up 270 or more electoral votes.

The National Popular Vote method will make presidential elections direct and national without a Constitutional amendment, since it preserves the office of the presidential elector. It is thoroughly constitutional because states have the power under the Constitution to decide how to award their electoral votes.

Instead of 51 concurrent elections as happens under the unit rule, whole number proportional, or congressional district approaches, electing the president in a single direct national election will satisfy all the criteria of a good electoral system. It will ensure majority rule, make elections nationally competitive, reduce partisan machinations, preclude contingent outcomes, and ensure that every vote counts equally.

7. Acknowledgments

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