

Wayne, Ch. 1: Presidential Selection: An Historical Overview

- I. Introduction
- II. The creation of the electoral college <<http://www.nara.gov/fedreg/elctcoll/index.html>>
 - A. Presidential-selection methods
 - 1. By national legislature (James Madison)
 - 2. By people (James Wilson)
 - 3. By electors chosen by states as determined by state legislatures (James Wilson)
 - a. Apportionment
 - b. Original voting rules (later modified by the 12th Amendment (1804))*
 - (1) Two votes cast by each elector (for different persons)
 - (a) An elector could not cast both votes for inhabitants of their own states
 - (b) An elector could not designate who they wished to be president and vice president*
 - (2) Majority vote needed for selection of president (if no majority: House chooses from top 5*; 1 vote per state [this is the only time the House votes by state])
 - (3) Runner up selected vice president (if tie for 2nd, Senate chooses one)
 - B. Interrelated issues
 - 1. Presidential v. congressional balance of power
 - 2. National v. state government balance of power
 - 3. Large v. small states (the widespread presumption was that, because of sectional rivalries, the large states' candidates would deadlock in the Electoral-College balloting (even though large states were apportioned more Electoral-College votes), and that the small states would control the resulting presidential selection in the House)
 - 4. Presidential term limits
 - 5. Presidential tenure
- III. The development of nominating systems
 - A. Framers' intent – non-partisan selection by electors:
 - 1. This largely occurred in 1789 & 1792 - Washington was the unanimous choice of all electors – he received exactly half of all of the electoral votes
 - 2. There was considerable division (partisan and otherwise) on the voting for the runner-up, John Adams, who got less than half of the remaining votes in 1789 and less than 60% in 1792)
 - B. Confounding factors
 - 1. Development of political parties (evident in 1796 Electoral-College balloting)
 - 2. Pressures for participatory democracy (produced by expansion of suffrage)
 - C. Nominating systems: pattern of decentralization
 - 1. Congressional party caucuses (1792-1820)
 - 2. Brokered national party conventions (1832-1968)
 - a. Apportionment of delegates
 - (1) Size of congressional delegation
 - (2) Partisan loyalty in previous elections
 - b. Selection (and control) of delegates
 - 3. State party primaries and caucuses (to select delegates to national conventions)
 - a. Stages Table 1-1, p. 12
 - (1) 1904-1920: development and expansion
 - (2) 1920-1968: contraction
 - (3) 1972-present: primaries and caucuses select an increasing majority of convention delegates, which typically preempts convention selection of the presidential nominee
 - b. Arguments for: more representative of rank-and-file views
 - c. Arguments against
 - (1) More divisive
 - (2) More expensive
 - (3) Produce candidates who cannot win general elections
 - (4) Produce winners who find it harder to govern

IV. The evolution of the general election

A. Changes

1. Nonpartisan v. partisan voting by electors (by 1792)
2. Legislative v. popular selection of electors (by 1860, except for SC)
3. Proportional v. winner-take-all translation of popular vote into electoral vote (by 1860)

B. Problems with the electoral-college system

1. Major problems (that could happen again)
 - a. No electoral-vote majority (triggering the House selection of president)
 - (1) Not considered a major problem by the founding fathers; the public and most political leaders have considered this a major problem since 1824
 - (2) Cause: multi-candidate contest
 - (3) Example: 1824
 - b. Electoral-vote majority won by the popular-vote loser
 - (1) Causes
 - (a) 1888: Electoral-college-vote winner barely won the popular vote in enough big urban states to clinch the electoral-vote majority but lost the popular vote in most other (smaller, rural) states
 - (b) 1876 & 2000: disputes over fraud or other irregularities in the popular-vote count
2. Minor problems (that could happen again)
 - a. Electoral-vote majority won by popular-vote plurality winner
 - (1) Cause: multi-candidate contest with support for the two major-party candidates evenly divided
 - (2) Examples: 1860, 1912, 1916, 1948, 1960, 1968, 1992, 1996
 - b. "Faithless" electors
 - c. Urban bias: 1960
3. Special-case problem that won't recur: 1800 tie between the two candidates of the *same* party

C. Suggested reforms

1. Keep electoral college but reform it
 - a. Remove human electors
 - b. Add a national bonus to the popular-vote winner
 - c. Require run-off election if popular-vote plurality < 40%
2. Replace electoral college with direct election
 - a. Nationwide
 - b. By congressional district

V. The 2000 presidential election controversy

A. The legal challenges

B. The public relations campaign Table 1-2, p. 21

VI. The politics of electoral-college voting

A. Biases favor

1. Large states (apportionment plus winner-take-all translation rule)
2. Smallest states (minimum apportionment)
3. Politically competitive states
4. Geographically-concentrated voting blocs with cohesive voting patterns in large and competitive states
5. Major parties (winner-take-all system plus need for majority in Electoral College balloting)
6. Most likely 3rd-party outcome is not to win but to cause one of the major-party candidates to lose
 - a. 1912
 - b. 1968
 - c. 2000

B. Effect on presidential/congressional cooperation