

How should we elect the President of the United States?

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The framers of our constitution held the idea of political parties in contempt, so in writing the constitution, they idealized that political parties would be absent in governance under the constitution. As a result, the design of the presidential election procedure assumed that electors chosen by each state would be unaffiliated and would vote for candidates on the basis of merit, not party affiliation. This worked as expected in the first two elections, when George Washington ran for president and was overwhelmingly favored. But with Washington declining to run for a third term, fledgling political parties surfaced in the election of 1796, though without ill consequences since the parties were immature.

However, by the election of 1800, political parties had garnered notable strength, and they came to the fore with a vengeance. As a result, the electoral procedure for president self-destructed, thereby engendering the threat of civil war and disintegration of the union. Consequently, in 1804 the presidential election procedure was modified by a constitutional amendment, but the change was slight, leaving the original procedure virtually unmodified.

Under the tweaked procedure, it remained true that if no candidate obtains a majority vote of the electors, the election falls to the House of Representatives, as occurred in the elections of 1800 and 1824. To reduce the chance of this occurring, by the 1830s the winner-take-all rule had been adopted by nearly all states.

Under the winner-take-all rule, the electors of a state all vote for the same candidate, thereby subverting the original design of the electoral college, whereby the electors vote for candidates on the basis of merit, not party affiliation. In this light, what is the reason for keeping this presidential election procedure? There is no rational reason for keeping the procedure. Instead, we should adopt a presidential election procedure that makes sense.

To see this more clearly, let's consider the two fundamental principles of union.

Principles of union: Union of states vs. union of people

Under a union of states, the states have equal voting weights, while under a union of people, the states have voting weights proportional to their population sizes.

Now suppose that we have proportional representation of the states and that we impose on this system a winner-take-all rule. Do we thereby implement a union of states? No. Rather, we simply suppress minority voices within the states. To see this more clearly, suppose that the states have equal population sizes and we then add a large block of minority voters to some state. This greatly increases the respective state's weight in the union, yet the additional weight is subsumed by the majority block of voters through the winner-take-all rule instead of being allocated per candidate in proportion to the popular vote per candidate. This generates a contradiction. On the one hand, proportional representation recognizes the additional voters, bolstering the weight of the respective state, but on the other hand, the winner-take-all rule prevents the additional voters from having a voice.

The principle of ***a union of states*** is realized in three places in the constitution: representation in the Senate, where each state has two votes; ratification of a constitutional amendment, where each state has one vote; and election of the president when it falls to the House of Representatives, where each state has one vote, which is determined by majority vote of the respective state's delegation. On the other hand, the principle of ***a union of people*** is realized in the House of Representatives.

In this light, let's consider the electoral college.

Current procedure: Electoral college

The composition formula of the electoral college is an amalgamation of the two principles of union, for the number of electors allocated to a state is the number of members that the state has in the Senate plus the number of members that the state has in the House of Representatives. This amalgamation is irrational because, as the size of the House grows, the contribution of Senate membership remains fixed, thereby driving the composition of the electoral college ever closer to proportional representation. As it turns out, the size of the House was eventually limited by law to 435, and as a result of this large size, the composition formula of the electoral college is nearly, but not quite, that of proportional representation. The deviation from proportional representation affects the most populous states and the least populous states, but the deviation is slight, decreasing the electoral weight of the most populous states slightly and increasing the electoral weight of the least populous states slightly. As per the 2000 census, the deviation was less than 2% for the most populous state of California, and it was less than .5% (1/2 %) for the least populous state of Wyoming. There is no rational justification for this slight deviation from proportional representation.

Thus, practically speaking, the composition formula of the electoral college is that of proportional representation, which implements the principle of **a union of people**. As a result, the winner-take-all principle does not implement **a union of states**. Rather, the winner-take-all principle is an unnatural imposition on **a union of people**, suppressing minority voices by giving all of a state's electoral votes to the plurality party in the state instead of allocating electoral votes per candidate in proportion to the popular vote per candidate.

In short, the current presidential election procedure is essentially a system of proportional representation of the states that suppresses minority voices. In this light, if we could redesign the presidential election procedure from scratch, what would it look like?

Ideal procedure: National popular vote by instant-runoff voting (IRV)

The simplest system of proportional representation is election by national popular vote, and the ideal procedure for implementing this is instant-runoff voting (IRV). The reason for instant-runoff voting is to elect a candidate by majority vote while still giving voice to minority parties and minority candidates.

How does instant-runoff voting work? For a given office, a voter lists the contending candidates that are of interest to the voter in order of the voter's priority. In the first round, the ballots are counted using the top priority candidate for each ballot. If no candidate obtains a majority, the candidate with the smallest number of votes is eliminated, and the ballots that had been counted for that candidate are recounted using the candidate next in priority for each such ballot. (If there is a tie for last place, all of the respective candidates are eliminated.) This procedure is iterated until a candidate garners a majority of the ballots that have candidates that are still in the race.

It follows that, under instant-runoff voting, a voter can give first priority to a minority candidate and second priority to a candidate from one of the two dominant parties. In the first round, then, if the leading candidate doesn't obtain a majority and the voter's first choice is eliminated, in the second round, the voter's second choice will contribute to the contest between the candidates of the two dominant parties. As a result, under instant-runoff voting, the popularity of third parties will grow, but since the winner must obtain a majority vote, there will always be two dominant parties. Just the same, as the popularity of third parties grows under instant-runoff voting, there may come a day when a third party overtakes one of the two dominant parties in popularity, thereby becoming one of the two dominant parties itself.

As a sidenote in American history, consider the Whig Party. The Whig Party emerged in the 1830s, drawing both northerners and southerners. However, in the 1850s, the intensifying controversy over slavery led to the emergence of the current Republican Party as an anti-slavery party. The Whig Party subsequently disintegrated, as most of its anti-slavery members, such as Abraham Lincoln and William Seward, joined the Republican Party and most of its pro-slavery members joined the Democrat Party.

A politically viable amendment: national popular vote by instant-runoff voting with current electoral weights

If we wish to change the presidential election procedure by constitutional amendment, we will be limited to a proposal that has a chance of being approved by three fourths of the states. To satisfy this goal, I think that we need to maintain the current electoral weights of the states because, although the weights are nearly proportional, they aren't quite proportional, giving a slight advantage to the least populous states. In this scenario, we should implement a national popular vote by instant-runoff voting while weighting each ballot by the electoral weight of the respective state.

National Popular Vote Interstate Compact (NPVIC)

To avoid the difficulty of trying to get a constitutional amendment approved, the National Popular Vote Interstate Compact (NPVIC) is garnering support to achieve election by popular vote through agreement of states to cast all of their electoral votes for the ticket that wins the national popular vote. 200 years ago, the winner-take-all rule was implemented by the states to avoid the difficulty of getting a constitutional amendment approved, and the strategy for approving the NPVIC is similar. The difference is that the winner-take-all rule doesn't involve an interstate compact.

As the NPVIC is adopted by more and more states, the constitutional amendment proposed above will become more and more politically viable because it has the advantage of instant-runoff voting, which gives voice to minority candidates while ensuring that the winning candidate obtains a majority vote. Thus, instant-runoff voting will maintain a two-party system while giving voice to minority parties.

Conclusion

There are two basic principles of union. ***Under a union of states, the states have equal voting weights, while under a union of people, the states have voting weights proportional to their population sizes.*** The constitution implements the first principle in three places and the second principle in one place.

However, in the structure of the electoral college, the constitution amalgamates the two principles, and the result is irrational because the practical result of the amalgamation is to drive toward proportional representation over time, which is the principle of ***a union of people***. Thus, today the electoral weights deviate only slightly from proportional representation, and there is no rational justification for this deviation.

In short, the current presidential election procedure is essentially a system of proportional representation of the states that suppresses minority voices by giving all of a state's electoral votes to the plurality party in the state instead of allocating electoral votes per candidate in proportion to the popular vote per candidate.

In this light, I explain that the ideal presidential election procedure is election by national popular vote implemented using instant-runoff voting. I also explain that I believe that a politically viable constitutional amendment is to implement the former while weighting each ballot by the electoral weight of the respective state of origin. Finally, I explain that in order to avoid the difficulty of getting a constitutional amendment approved, the National Popular Vote Interstate Compact uses a per state strategy similar to that underlying the winner-take-all rule, which originally subverted the design of the electoral college. In this same spirit, the NPVIC finishes the job of making the electoral college moot. However, as the NPVIC is adopted by more and more states, the constitutional amendment proposed above will become more and more politically viable because it has the advantage of instant-runoff voting, which gives voice to minority candidates while ensuring that the winning candidate obtains a majority vote.