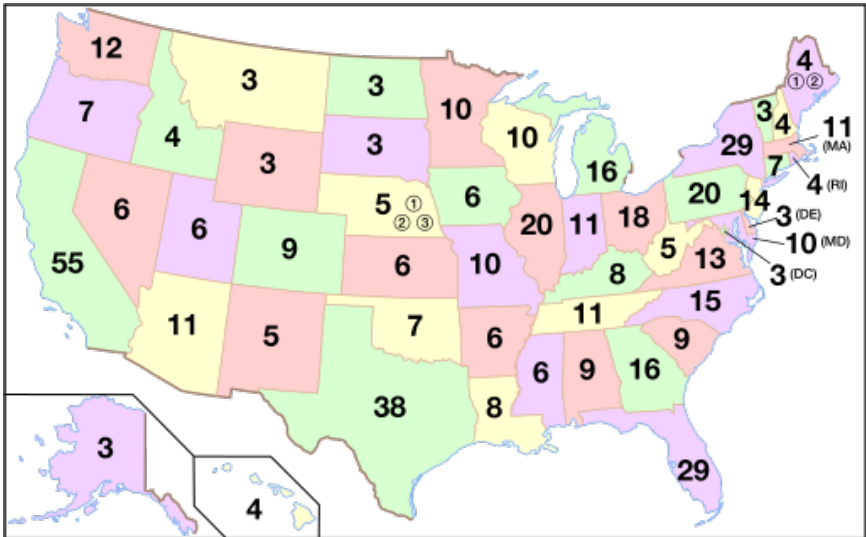


Elections and Nominations

Standard 3.4: Elections and Nominations

Explain the process of elections in the legislative and executive branches and the process of nomination/confirmation of individuals in the judicial and executive branches. (Massachusetts Curriculum Framework for History and Social Studies) [8.T3.4]

FOCUS QUESTION: How Does the United States Conduct Elections and What Are Current Proposals for Change?



Electoral College Votes by States for the 2020 Election
["Electoral map 2012-2020"](#) by SeL | Public Domain

In 2020, the United States will hold its 59th Presidential election, a process that happens once every four years. There have been 45 Presidents from George Washington to Donald Trump, counting Grover Cleveland who was elected twice. John F. Kennedy was the youngest man elected to the office, although Theodore Roosevelt became the youngest President after the death of William McKinley. Franklin D. Roosevelt served the longest, 4,422 days; William Henry Harrison served the least amount of time, 31 days.

Each state organizes how and when people will vote—either on a designated Election Day (the first Tuesday in November for federal contests), before that day by mail-in absentee ballot, or through specific state-approved early voting procedures.

Elections are complex and costly activities. [OpenSecrets.org](https://www.opensecrets.org) has reported that the total cost for the 2016 Presidential and

Congressional elections was over six billion dollars (\$6,511,181,587).

What system does the United States use to elect its President and how might it be changed? The modules for this standard explore that question in terms of the **electoral college**, **disputed elections** in U.S. history, the possibility of a **disrupted or delayed election** in 2020, and the call for election reform, including a move to **instant runoff/ranked choice voting**.

Modules for this Standard Include:

1. [INVESTIGATE: Presidential Elections and the Electoral College](#)
2. [UNCOVER: 2000 and Other Disputed Elections in United States History](#)
3. [ENGAGE: Is It Time to Adopt Instant Runoff/Ranked Choice Voting?](#)

1. INVESTIGATE: Presidential Elections and the Electoral College

A **popular vote** is the vote cast by each individual voter in an election. Virtually all elections in the United States are won by the candidate who receives the most popular votes - except when electing the President.

In Presidential elections, people vote for a slate of electors who represent a candidate in the **Electoral College**. Each state's popular vote winner receives a designated number of electoral votes. The candidate with **270** or more electoral votes becomes President of the United States.

The Electoral College does not refer to an institution of higher education or a physical place. Rather, it is a set of electoral votes assigned to each state. Every state has a number of electoral votes

equal to the number of representatives they have in the House of Representatives (as determined every ten years by the Census) plus two more for each of the state's two Senators.

States with the highest number of people living in them have most electoral votes, presently California (55 electoral votes), Texas (38 electoral votes) and New York (29 electoral votes). States with small numbers of people have the fewest electoral votes: Alaska, Montana, North Dakota, South Dakota, Vermont, and Wyoming each have 3 electoral votes.

The Geography of States and the Electoral College

The number of electoral votes in the Electoral College are based on state population, but the boundaries of states have changed historically. Maine was once part of Massachusetts and West Virginia was once part of Virginia. The following [interactive map from FiveThirtyEight blog](#) looks at how the electoral votes would have changed in the 2016 election if the following rejected proposals for new states had been approved:

- Absaroka (portions of South Dakota, Wyoming, and Montana);
- Chicago (Cook County, Illinois as its own state);
- Deseret (Utah plus parts of California, Oregon, Idaho, and Wyoming);
- New York City (the city as its own state);
- Franklin (eastern Tennessee);
- Lincoln (eastern Washington state along with Idaho's panhandle);
- Old Massachusetts (Massachusetts and Maine combined);
- Original Virginia (Virginia and West Virginia combined); Pico (California split into two states at the 36th parallel);
- Republic of Texas (Texas as its own separate country);
- Superior (Michigan Upper Peninsula as a state); and
- Westsylvania (West Virginia with parts of Kentucky, Maryland,

Pennsylvania, and Tennessee).

Disputed Elections

In the electoral college system, the candidate with the most popular votes is not necessarily the winner, as was the case in the 1824, 1876, 1888, 2000 and 2016 Presidential elections. [Disputed Elections in American Politics](#) from the *resourcesforhistoryteachers* wiki has additional information about these elections.

Disrupted or Delayed Elections

Can a Presidential election be delayed because of an emergency? At the end of July, 2020, President Trump, trailing badly in the polls, suggested delaying the November presidential election because of the coronavirus pandemic. Yet, only the states and the Congress have the constitutional authority to postpone voting or the meeting of the electoral college to choose the presidential and vice presidential winner ([Does the Constitution Allow for a Delayed Presidential Election?](#) National Constitution Center).

The only case of a postponed federal election happened in 2018 when a typhoon struck the Northern Mariana Islands 10 days before the election and the governor delayed both early and in-person election day voting. Primary elections have also been delayed by weather emergencies and after the September 11, 2001 terrorist attacks ([Disrupted Federal Elections: Policy Issues for Congress](#), Congressional Research Service).

Faithless Electors

[Electoral College](#) from the National Archives offers more information about how this feature of our government actually works, including the interesting concept of **faithless electors**, individuals who decide to vote for a candidate other than the one they were pledged to support. There have been only 90 faithless elector votes among the

23,507 electoral votes cast in 58 presidential elections - 63 of those in 1872 when unsuccessful candidate Horace Greeley died and 10 in the 2016 Trump/Clinton contest ([Faithless Electors](#), *FairVote*, July 6, 2020). In 2020, the Supreme Court unanimously upheld state laws that remove, penalize, or cancel the votes of faithless electoral college delegates.

Proposals for Change: National Popular Vote Initiative and Proportional Allocation of Electoral Votes

There are intense debates around what to do with the Electoral College. Many call for its elimination as an anti-democratic structure. These observers believe only a direct election by popular vote can accurately express the will of the people. Other commentators believe it is essential to keep the Electoral College in order to protect states with small populations. Without electoral votes, presidential candidates might tend to ignore small states because there are few popular votes to gain.

There are also proposals to keep the Electoral College, but change how it functions:

- The [National Popular Vote Interstate Compact](#) is a growing agreement among states to award their electoral votes to the candidate who wins the most votes nationwide. It will take effect when states totalling 270 electoral votes sign on; to date states with 196 votes (including Massachusetts) have agreed as of July 2020 ([Status of National Popular Vote Bill](#)).
- **Proportional Allocation of Electoral Votes** means that instead of a winner-take-all system, electoral votes would be divided according to the percentage of popular votes that each candidate receives in a state. In 2000, for example, George W. Bush won Florida by 534 votes over Al Gore and received all the state's 25 electoral votes. If the electoral votes were distributed proportionally, Bush would have received 13 and

Gore 12, giving the overall election to Gore. Here is how [proportional allocation of electoral votes would affect the 2012 election](#) on a state by state basis.

Suggested Learning Activities

- **Online Learning**

- Track the 2020 Election with an [Interactive 2020 Election Map](#) from 270 to Win
- Review [Election Maps for every election since 1972](#)
 - What trends do you see in the maps?

- **Summarize Arguments For and Against, Then State Your View:** Should the United States continue to elect a President using the Electoral College?

Supporting Direct Election

Many people call for the elimination of the Electoral College as an anti-democratic structure. These observers believe only a direct election by popular vote can accurately express the will of the people.

Supporting the Electoral College

Other people believe it is essential to keep the Electoral College in order to ensure that states with small populations have relevance in national elections. Without electoral votes, presidential candidates might tend to ignore small states because there are few popular votes to gain.

- [Debating the Electoral College](#), The Lowdown, KQED Learning
- [Does My Vote Really Count?](#) NC Civic Education Consortium
- [The Electoral College: Top 3 Pros and Cons](#)

Online Resources for Presidential Elections and the Electoral College

- [Presidential Election Results: 1789-2012](#)
- [Presidential Election Maps from 1789](#)
- [Presidential Election Laws](#)
- [Electoral Decoder](#) presents a historical overview of past elections with video and other resources
- [Political Parties and Elections](#)
- [FairVote Support National Popular Vote](#)

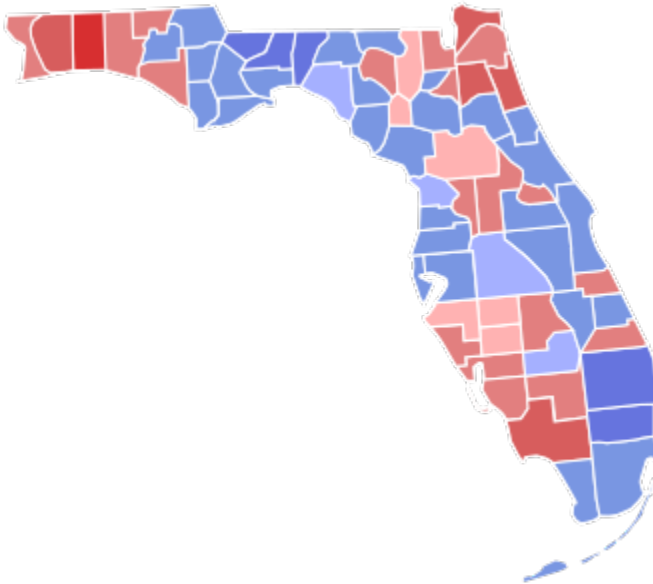
Teacher-Designed Learning Plan: State Voting Patterns: Using History to Predict the Future

[State Voting Patterns: Using History to Predict the Future](#) is a learning activity developed by Amy Cyr, a 7th-grade social studies teacher in the Hampshire Regional School District in Westhampton, Massachusetts. It is designed for in-person, virtual, or hybrid learning settings. This learning activity addresses the following standards:

- Massachusetts Grade 8: Topic 3/Standard 4
 - Explain the process of elections in the legislative and executive branches and the process of nomination/confirmation of individuals in the judicial and executive branches.
- Advanced Placement (AP) United States Government and Politics
 - Unit 5.8 - Electing a President

2. UNCOVER: 2000 and Other Disputed Elections in United States History

The **2000 Presidential election** was a race between Al Gore, the Democratic candidate, George W. Bush, the Republican candidate, and Ralph Nader, the Green Party candidate (there were several other minor party candidates as well including Pat Buchanan running as a Reform Party candidate).



["Florida Senate Election Results by County, 2000"](#) by Vartemp is licensed under [CC BY SA 4.0](#)

The election was extremely close and even though Gore received a half-million more popular votes than Bush nationwide, Gore lost in the Electoral College when he lost the state of Florida by 537 votes. Florida's vote gave Bush 271 electoral votes, one over the required 270 to win the presidency - Al Gore finished with 266 electoral votes. It was the first election in 112 years in which a president lost the

popular vote but won the electoral vote.

The 2000 election is one of five in U.S. history in which the "winner" received less popular votes but prevailed with a majority in the electoral college. It is one of six elections that historians consider to be "**disputed elections.**" Each disputed election raises interesting questions about the United States political system and the meaning of democratic elections.

Since 2000, evidence has been uncovered of multiple glaring irregularities which were never officially investigated and lead to the conclusion that Gore should have prevailed in Florida by a comfortable margin. Thousands, if not tens of thousands of eligible voters were purged from the rolls in an overt move to disenfranchise African-Americans who overwhelmingly supported Gore. Voting machines in a district heavily populated by Jewish-Americans inexplicably tallied a large number of votes for Pat Buchanan, a man linked to innumerable antisemitic statements.

View the trailer for the movie [RECOUNT](#), an HBO film starring Kevin Spacey and Dennis Leary that gives a dramatic look at the time following the announcement of Bush's victory in Florida and subsequent recount. There is more information at a [resourcesforhistoryteachers](#) wiki page for the [2000 Presidential Election](#).

The 2000 Presidential election also included the [Bush v. Gore Supreme Court case](#) in which the Court stopped a recount of votes in several Florida counties, effectively giving the election to George W. Bush. Justice Ruth Bader Ginsburg wrote a famous [dissent](#) in the case

Suggested Learning Activities

- **Research and Report**

- [Disputed Elections in American Politics](#) describes what happened during the following elections:
 - Election of 2016
 - Election of 2000
 - Election of 1888
 - Election of 1876
 - Election of 1824
 - Election of 1800

3. ENGAGE: Is It Time to Adopt Instant Runoff/Ranked Choice Voting?

Instant Runoff Voting (IRV)—also called [rank-choice voting \(RCV\)](#)—is a widely discussed idea for reforming American elections.

Rank any number of options in your order of preference.

- Joe Smith
- 1 John Citizen
- 3 Jane Doe
- Fred Rubble
- 2 Mary Hill

Sample Preferential Ballot for Ranked Choice Voting
"Preferential ballot eo" by Rspeer is licensed under [CC BY-SA 3.0](https://creativecommons.org/licenses/by-sa/3.0/)

In instant runoff/ranked choice, voters can vote for more than one candidate by ranking their preferences from first to last. When the votes are counted, the candidate with the fewest votes is eliminated and those votes are redistributed to each voter's *next* choice. That process continues till one candidate receives a majority of the votes.

Maine adopted Rank Choice Voting for primary and federal elections in 2018; however, the Maine Supreme Judicial Court advised that RCV is unconstitutional for general elections for governor or state representatives and senators.

Here is how the system works in that state, as explained by the

[Gorham Maine Committee for Ranked Choice Voting](#) (2016):

"On Election Night, all the ballots are counted for voters' first choices. If one candidate receives an outright majority, he or she wins. If no candidate receives a majority, the candidate with the fewest first choices is eliminated and voters who liked that candidate the best have their ballots instantly counted for their second choice. This process repeats and last-place candidates lose until one candidate reaches a majority and wins. Your vote counts for your second choice only if your first choice has been eliminated."

IRV and RCV are now in place in cities around the United States, including the communities of Cambridge and Amherst, Massachusetts.

Suggested Learning Activities

• Conduct a Ranked Choice Vote Election

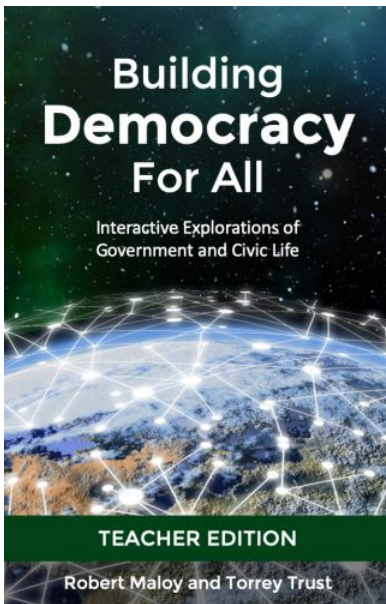
- Set up an election contest in your classroom or school such as students' favorite candy or ice cream flavor (other than vanilla and chocolate).
- Voters rank the candidates (for example: chocolate chip, buttered pecan, strawberry, cookies and cream) according to their first, second, third and fourth choices.
- Tally the votes and conduct an instant runoff election to determine the winner.
- Did the opportunity to vote for more than one "candidate" heighten interest and involvement in the election process? Do you feel that the result was more or less democratic?

Online Resources for Instant Runoff/Ranked Choice Voting

- [Map showing where Instant Runoff Voting is being used in the United States](#)
- [Explanation of Instant Runoff Voting](#) from the Minnesota House of Representatives Research Department
- [RCV Mock Election Vote Tally](#), from Vote Different Santa Fe
- [Stimulating Instant Run-off Voting Flips Most Donald Trump Primary Victories](#)

Standard 3.4 Conclusion

In American elections, citizens determine, by voting, who will represent them in the federal, state, and local government. The candidate with the most popular votes is the winner in all elections except for the President. **INVESTIGATE** explained the Presidential election process and the role of the Electoral College. **UNCOVER** reviewed disputed elections in U.S. history including the 2000 Presidential election. **ENGAGE** asked whether it is time to adopt instant runoff/ranked choice voting as an alternative to current practices.



Maloy, R. W. & Trust, T. (2020). *Building Democracy for All*. EdTech Books. Retrieved from <https://edtechbooks.org/democracy>



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