

## ***What is the Electoral College?***

The Electoral College is a process, not a place. The founding fathers established it in the Constitution as a compromise between election of the President by a vote in Congress and election of the President by a popular vote of qualified citizens.

The Electoral College process consists of the selection of the electors, the meeting of the electors where they vote for President and Vice President, and the counting of the electoral votes by Congress.

The Electoral College consists of 538 electors. A majority of 270 electoral votes is required to elect the President. Your state's entitled allotment of electors equals the number of members in its Congressional delegation: one for each member in the House of Representatives plus two for your Senators. Read more about the allocation of electoral votes.

Under the 23rd Amendment of the Constitution, the District of Columbia is allocated 3 electors and treated like a state for purposes of the Electoral College. For this reason, in the following discussion, the word "state" also refers to the District of Columbia.

Each candidate running for President in your state has his or her own group of electors. The electors are generally chosen by the candidate's political party, but state laws vary on how the electors are selected and what their responsibilities are. Read more about the qualifications of the Electors and restrictions on who the Electors may vote for.

The presidential election is held every four years on the Tuesday after the first Monday in November. You help choose your state's electors when you vote for President because when you vote for your candidate you are actually voting for your candidate's electors.

Most states have a "winner-take-all" system that awards all electors to the winning presidential candidate. However, Maine and Nebraska each have a variation of "proportional representation." Read more about the allocation of Electors among the states and try to predict the outcome of the Electoral College vote.

After the presidential election, your governor prepares a "Certificate of Ascertainment" listing all of the candidates who ran for President in your state along with the names of their respective electors. The Certificate of Ascertainment also declares the winning presidential candidate in your state and shows which electors will represent your state at the meeting of the electors in December of the election year. Your state's Certificates of Ascertainments are sent to the Congress and the National Archives as part of the official records of the presidential election. See the key dates for the 2012 election and information about the roles and responsibilities of state officials, the Office of the Federal Register and the National Archives and Records Administration (NARA), and the Congress in the Electoral College process.

The meeting of the electors takes place on the first Monday after the second Wednesday in December after the presidential election. The electors meet in their respective states, where they cast their votes for President and Vice President on separate ballots. Your state's electors' votes are recorded on a "Certificate of Vote," which is prepared at the meeting by the electors. Your state's Certificates of Votes are sent to the Congress and the National Archives as part of the official records of the presidential election. See the key dates for the 2012 election and information about the roles and responsibilities of state officials and the Congress in the Electoral College process.

Each state's electoral votes are counted in a joint session of Congress on the 6th of January in the year following the meeting of the electors. Members of the House and Senate meet in the House chamber to conduct the official tally of electoral votes. (On December 28, 2012, President Obama signed Pub.L. 112-228, as passed by both houses of Congress, moving the day of the vote count from January 6, 2013 (a Sunday) to January 4, 2013.) See the key dates for the 2012 election and information about the role and responsibilities of Congress in the Electoral College process.

The Vice President, as President of the Senate, presides over the count and announces the results of the vote. The President of the Senate then declares which persons, if any, have been elected President and Vice President of the United States.

The President-Elect takes the oath of office and is sworn in as President of the United States on January 20th in the year following the Presidential election.

## ***Who are the Electors?***

*What are the qualifications to be an Elector?*

The U.S. Constitution contains very few provisions relating to the qualifications of Electors. Article II, section 1, clause 2 provides that no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector. As a historical matter, the 14th Amendment provides that State officials who have engaged in insurrection or rebellion against the United States or given aid and comfort to its enemies are disqualified from serving as Electors. This prohibition relates to the post-Civil War era.

Each state's Certificates of Ascertainment confirms the names of its appointed electors. A state's certification of its electors is generally sufficient to establish the qualifications of electors.

## ***Who selects the Electors?***

The process for selecting Electors varies throughout the United States. Generally, the political parties nominate Electors at their State party conventions or by a vote of the party's central committee in each State. Each candidate will have their own unique slate of potential Electors as a result of this part of the selection process.

Electors are often chosen to recognize service and dedication to their political party. They may be State-elected officials, party leaders, or persons who have a personal or political affiliation with the Presidential candidate.

On Election Day, the voters in each State choose the Electors by casting votes for the presidential candidate of their choice. The Electors' names may or may not appear on the ballot below the name of the candidates running for President, depending on the procedure in each State. The winning candidate in each State—except in Nebraska and Maine, which have proportional distribution of the Electors—is awarded all of the State's Electors. In Nebraska and Maine, the state winner receives two Electors and the winner of each congressional district receives one Elector. This system permits the Electors from Nebraska and Maine to be awarded to more than one candidate.

## ***Are there restrictions on who the Electors can vote for?***

There is no Constitutional provision or Federal law that requires Electors to vote according to the results of the popular vote in their States. Some States, however, require Electors to cast their votes according to the popular vote. These pledges fall into two categories—Electors bound by State law and those bound by pledges to political parties.

The U.S. Supreme Court has held that the Constitution does not require that Electors be completely free to act as they choose and therefore, political parties may extract pledges from electors to vote for the parties' nominees. Some State laws provide that so-called "faithless Electors"; may be subject to fines or may be disqualified for casting an invalid vote and be replaced by a substitute elector. The Supreme Court has not specifically ruled on the question of whether pledges and penalties for failure to vote as pledged may be enforced under the Constitution. No Elector has ever been prosecuted for failing to vote as pledged.

Today, it is rare for Electors to disregard the popular vote by casting their electoral vote for someone other than their party's candidate. Electors generally hold a leadership position in their party or were chosen to recognize years of loyal service to the party. Throughout our history as a nation, more than 99 percent of Electors have voted as pledged.

## ***How many times was a president elected who did not win the popular vote?***

The 2000 election was the most recent when the candidate who received the greatest number of electoral votes, and thus won the presidency, didn't win the popular vote. But this scenario has played out in our nation's history before.

In 1824, John Quincy Adams was elected president despite not winning either the popular vote or the electoral vote. Andrew Jackson was the winner in both categories. Jackson received 38,000 more popular votes than Adams, and beat him in the electoral vote 99 to 84. Despite his victories, Jackson didn't reach the majority 131 votes needed in the Electoral College to be declared president. In fact, neither candidate did. The decision went to the House of Representatives, which voted Adams into the White House.

In 1876, Rutherford B. Hayes won the election (by a margin of one electoral vote), but he lost the popular vote by more than 250,000 ballots to Samuel J. Tilden.

In 1888, Benjamin Harrison received 233 electoral votes to Grover Cleveland's 168, winning the presidency. But Harrison lost the popular vote by more than 90,000 votes.

In 2000, George W. Bush was declared the winner of the general election and became the 43rd president, but he didn't win the popular vote either. Al Gore holds that distinction, garnering about 540,000 more votes than Bush. However, Bush won the electoral vote, 271 to 266.