
February 2025

BECOME PART OF THE LWVUS CAMPAIGN TO

Abolish the Electoral College

Elect the President by Direct Popular Vote



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Agenda

- **What is the Electoral College?**
- **How does it work in New Mexico?**
- **History of Article II and Fight for Representation**
- **What's wrong with the Electoral College?**
- **What needs to be done? Amend the Constitution.**
 - How to amend the US Constitution
 - What you can do NOW!
- **Q&A, Dispelling myths supporting the EC**

What is the Electoral College?

The Electoral College is the process by which the states and District of Columbia select the President and Vice President of the United States.

Each state is represented by a number of electors equal to the size of its congressional delegation. (5 in New Mexico)

There are 538 electors in total. To win the Electoral College, a candidate must receive a majority—at least 270—electoral votes.

What is the Electoral College?

A group of **538 people** (electors) who elect the President and Vice President of the US

State legislatures decide how their state will choose electors

All currently use a popular vote **within their state**

Each state has a number of electors **equal to their number of seats** in the US House and Senate

A majority (270 electoral votes) is needed to win

The Electoral College in The Constitution

- The Electoral College was established in Article. II. Section. 1. of the Constitution in 1787. Article II specified that **the President and Vice President would be elected by state-chosen “Electors”, not the popular vote of the people.**
- It called for **state legislatures to appoint “a Number of Electors, equal to the whole number of Senators and Representatives to which the state may be entitled.”** There was no requirement that the **electors’ votes reflect a popular vote.**
- Article II specifies that **if there is a tie in the electoral votes for President, the House decides the outcome. The Senate decides for Vice President. Each state gets one vote in the House or Senate.**

How the EC Process Works Today in New Mexico

- **The political parties within NM nominate slates of potential electors at their State party conventions** and certify the names of the electors to the Secretary of State.
- **Each Presidential and VP candidate has a slate of potential electors to vote for them if they win the majority of votes in the state.**
- Voters vote for the candidates for president and vice president on election day. **The ballot in NM lists the candidates, but not the names of the electors who will potentially vote for that candidate.**
- **Thus, it appears that you are voting for the candidate, when in reality it is a slate of electors.**

The Electoral Process in NM: Certification

- The **State Canvassing Board** certifies the electors representing the winning candidates. **NM is a “winner take all” state which means the candidates winning a majority of the popular vote get all 5 electoral votes.**
- The electors meet in NM at the meeting of the electors (the first Monday after the second Wednesday in December). The electors’ votes are recorded in a **Certificate of Vote which is sent to the US Congress.**
- 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, and the winners are declared.

Do You Know These People?

Harold Murphree

Julie Rochman

Aleta Suazo

Patricia Gaston

Daniel Diaz

These were New Mexico's Electors in the 2024 election.

Article II Historical Background

- How to choose the President and Vice President was a contentious issue during the 1787 Constitutional Convention.
- The Convention delegates debated a number of proposals on how to elect the President but could not come to agreement on a method.
- In the last days of the Convention the delegates chose a committee of 11 members to come up with solutions to the unresolved portions of the draft Constitution.
- The committee made the proposal to elect the President and Vice President through a system of **individuals, called “Electors” to act as proxies for the people in choosing the executives.**

The Battle Over Representation

Representation in the Senate and House of the new government was a contentious issue affecting taxation, contributions to the budget and the relative power of each state. The delegates' decision on apportioning representation ultimately was used to determine representation in the Electoral College as well.

Under the Articles of Confederation each state had one vote regardless of size or population.

-- In the new government, the small states like Rhode Island and Delaware, wanted to maintain their voting power and would lose power if representation was by population.

-- The large, slave-owning states such as Virginia and North and South Carolina wanted slaves counted as part of their population for increased representation, but not counted for purposes of taxation, nor allowed to vote.

The 1787 Compromise on Representation

Under the threat by the small states and the slave states to withdraw from the union, a compromise was reluctantly achieved. **Each state would have 2 Senators regardless of population and three-fifths of each state's slave population would count toward that state's total population for the purpose of apportioning the House of Representatives. (Article I)**

This lopsided compromise on representation was then used in Article II as the method of determining the number of electors for each state. This gave the southern states more electors because of the counting of slaves and the small states more electors proportionate to their population.

What's Wrong with the Electoral College?

And How a Direct Popular Vote for President Solves These Problems

The Problems with the Small State Compromise

Unequal Representation in the Electoral College

Abolishing slavery ended the 3/5 compromise that favored large slave states but **the Small State compromise is still in force.**

Because 2 electoral college votes in each state are not based on population, **small states have more EC votes per capita than large states.**

For example, Texas has 1 electoral vote for every 782,271 people while Montana has 1 electoral vote for every 284,306 people. This results in unequal and unfair representation and can result in the loser of the popular vote winning in the electoral college.

Electoral College Makes Some Votes Count More Others

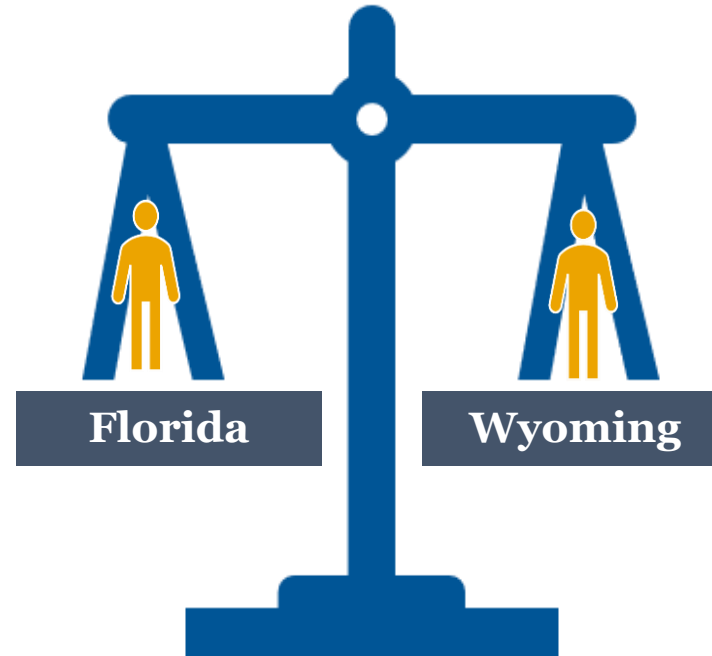
Problem: electoral college

- One person's vote carries more or less weight depending where they live.

	Wyoming	Florida
Population	576,000	21,538,000
Electoral Votes	3	29
Population per Electoral Vote	192,000	743,000

Solution: Direct Popular Vote

- One person = one vote, no matter where you live.



The Problems with the Small State Compromise

The Electoral College Vote Can Differ from the Popular Vote

Because 2 electoral college votes in each state are not based on population, **the Electoral College vote does not accurately reflect the popular vote.**

This makes it possible for a candidate to win a majority of Electoral College votes while losing the national popular vote.

Losers Turned into Winners

Since the national popular vote was first recorded in 1824, there have been four presidential elections where the winner won the Electoral College and lost the popular vote:

- [Donald Trump](#) (R) in 2016
- [George W. Bush](#) (R) in 2000
- [Benjamin Harrison](#) (R) in 1888
- [Rutherford B. Hayes](#) (R) in 1876

Electoral College Turns Losers into Winners

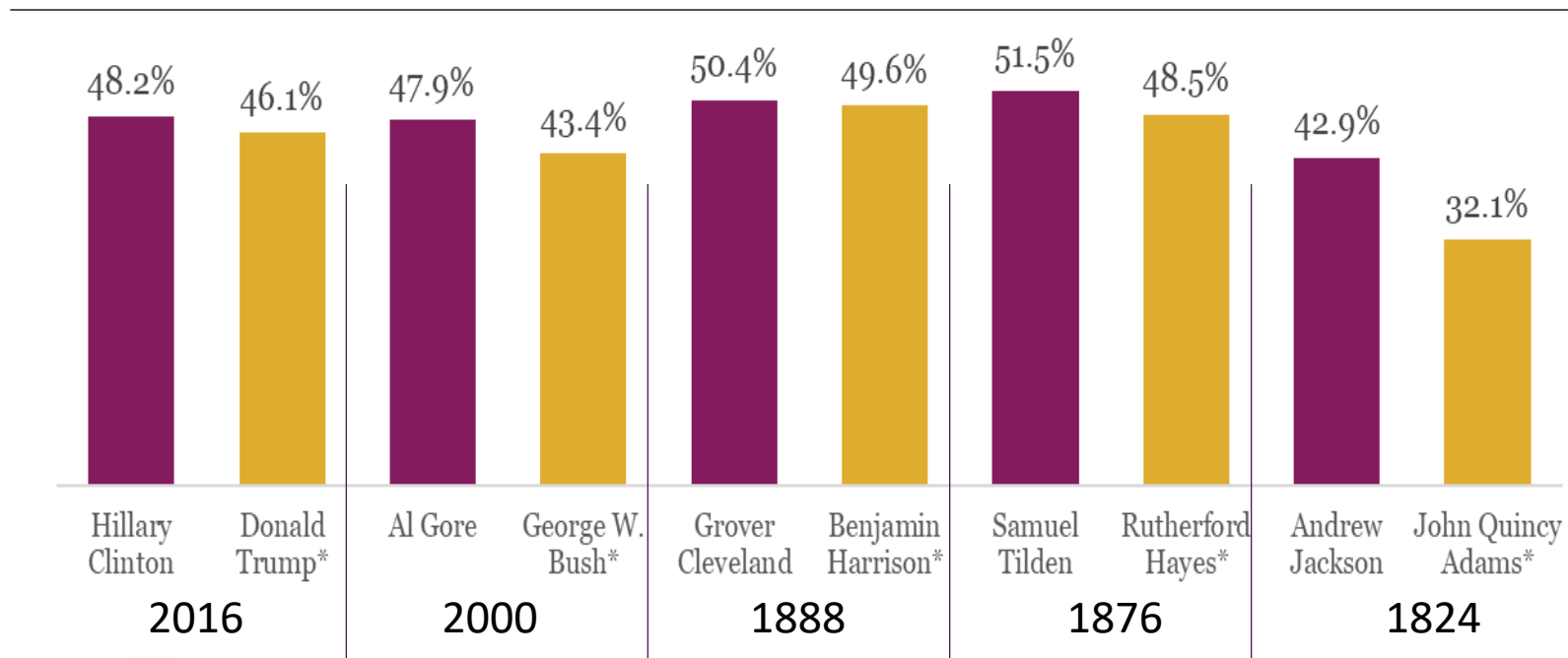
Problem: electoral college

- Allows a candidate with fewer votes from the people to win the Presidency.

Solution: Direct Popular Vote

- Ensures that the candidate with the most votes from the people becomes the President.

Popular Vote %



* Elected via Electoral College

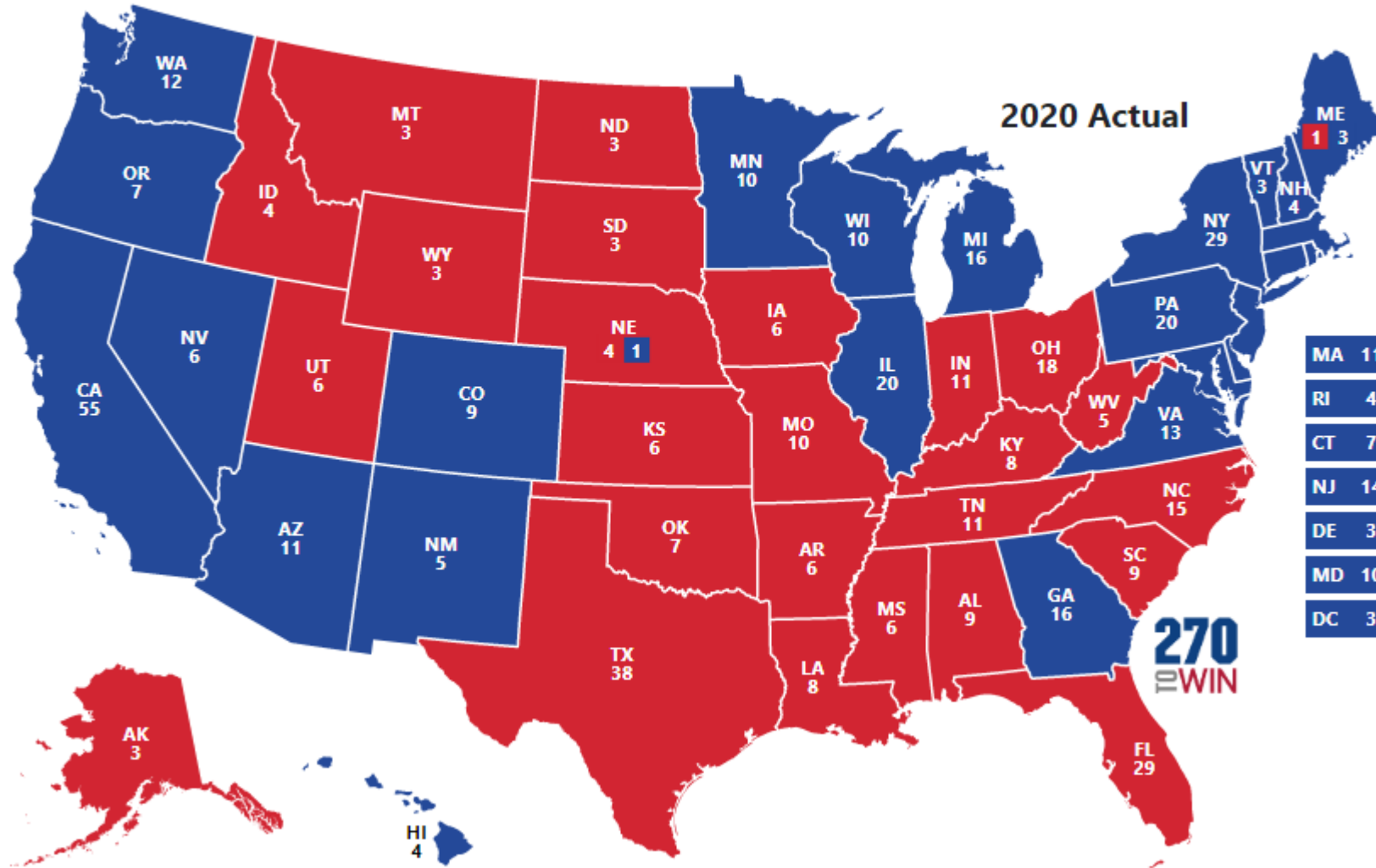
Data Source: Federal Elections Commission

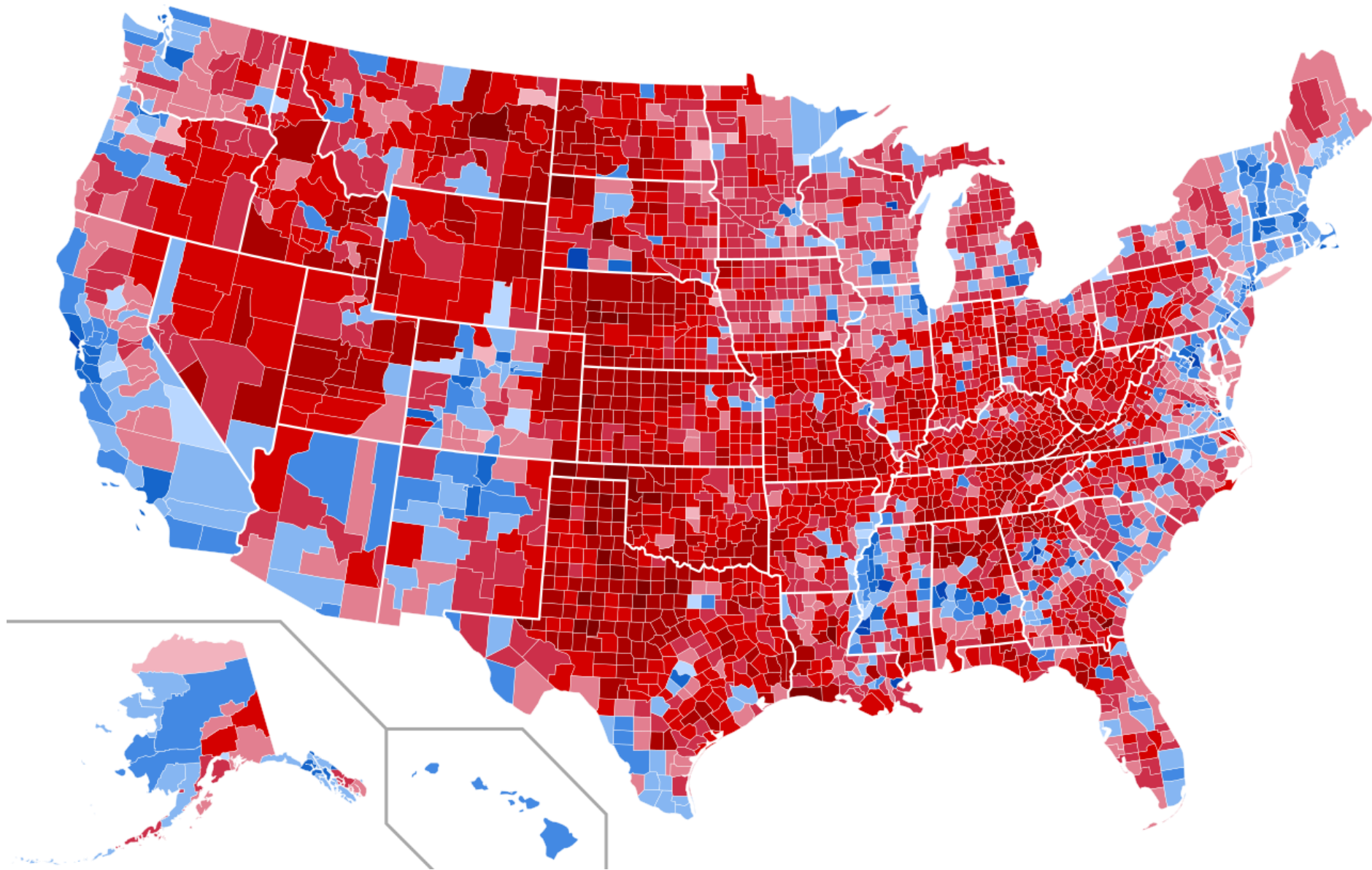
Problem: Winner Take All

- The Constitution lets **the states decide on the apportionment of its electors** and **does not require it reflect the popular vote**.
- All but 2 states have gone to a **“winner take all” system** in which the **candidates winning the state’s popular vote get the vote of ALL its electors**. This means the votes for a losing candidate are basically nullified and not counted toward electing the president.
- For example, in 2020 California’s winner take all system resulted in all its electoral votes going to the Democratic candidate, effectively nullifying 6 million votes for the Republican candidate & 0.5 million for other candidates.
- **Result: Many people don’t bother to vote if they favor a minority candidate. “Winner takes all” belies the real popular vote.**

Biden (D) 306

232 Trump (R)





2020 Election
Results by county, shaded according to winning candidate's percentage of the vote

What Needs to Be Done?

Our Goal and How to Get There

Times have changed since 1787

Time to Abolish the Outdated Electoral College

Since the Electoral College was Established:

- Slavery was abolished; most male citizens were enfranchised in 1868
- Women (finally!!!) won the vote 1920
- 50 states today versus 13 in 1787
- 340 million people in 2024, 3.9 million in 1787 (nearly 100 x more)
- 161.42 million registered voters in the U.S.
- Instantaneous communication vs. weeks/months by horse or foot
- Secure, fast voting systems

What Needs to Be Done?

*A Constitutional Amendment to Abolish
the Electoral College*

*Replace it with a One-Person-One-Vote
System to Elect the President and Vice
President*

Abolishing the Electoral College requires an amendment to the US Constitution.



Proposal

- 2/3 vote US Senate
- 2/3 vote US House



Ratification

- By 3/4 of state legislatures (38 states)

Note: A Constitutional Convention is not required and is not supported by the League of Women Voters.

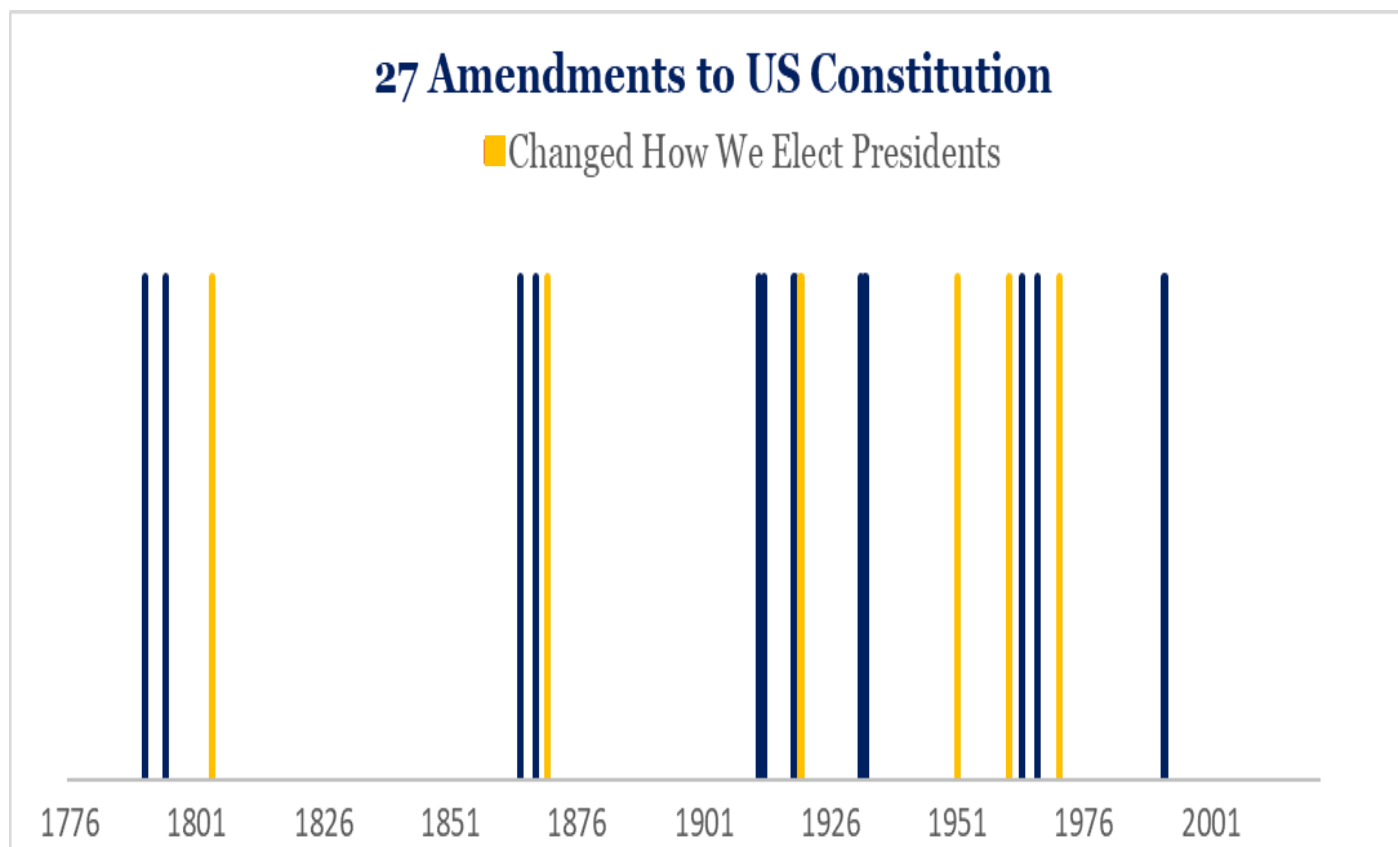


Capitol image: <https://pixabay.com/vectors/us-capitol-washington-dc-1533368/>
Map image: <https://pixabay.com/vectors/maps-country-america-states-land-812736/>



The Constitution has 27 amendments, so it has been done and can be done, again.

The US Constitution has been amended 27 times, often during times of crisis and conflict. **Six amendments changed how we elect our President**





Actions in US House and Senate

1968 – 1970

- 81% of Americans supported abolishing Electoral College (source: Gallup poll)
- US House of Representatives voted 338 to 70 to abolish the Electoral College in favor of a direct popular vote
- Bill died in Senate when filibustered by Southern Democrats (Dixicrats)

Most Recent

- Joint Resolution S.J. Res.121 introduced by Senators Schatz, Durbin and Welch on December 12, 2024 proposes an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct election of the President and Vice President of the United States.

Resolution 121 shows how a Constitutional Amendment might look

“ARTICLE —

“ SECTION 1. The President and Vice President **shall be elected by the people** of the several States and the district constituting the seat of government of the United States.

“ SECTION 2. **Each voter shall cast a single vote for two persons who have consented to the joining of their names as candidates for President and Vice President.**

“ SECTION 3. **The pair of candidates having the greatest number of votes for President and Vice President shall be elected.**

“ SECTION 4. The Congress may by law provide for the case of the death or any other disqualification of any candidate for President or Vice President before the day on which the President-elect or Vice President-elect has been chosen, and for the case of a tie in any election.

What do we need? Momentum!

The League of Women Voters is uniquely positioned to empower voters through education and advocacy at the local, state, and national levels

Once empowered, voters can bring this momentum to Congress.



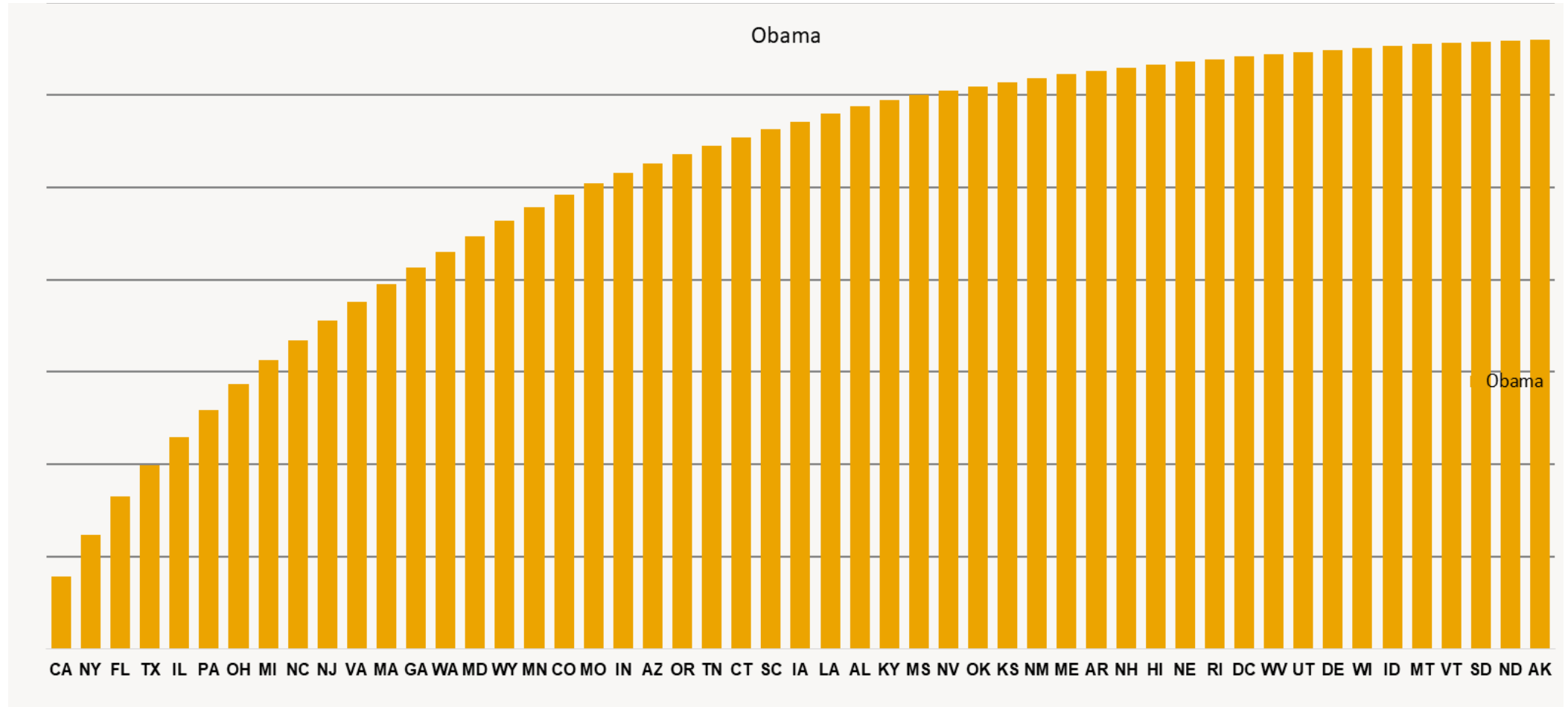
“Each generation is...independent of the one preceding. Like them, it has then, a right to choose for itself the form of government it believes most promotive of its own happiness.”

Thomas Jefferson

Myth Busters!

Common Arguments for the Electoral College Fail the Fact Test

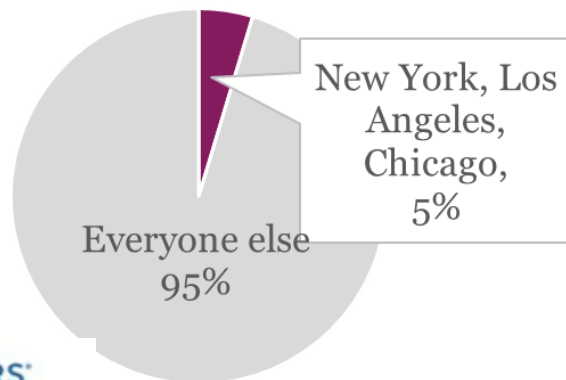
Myth: Without the Electoral College, our Presidents would be chosen by a few big states, like California and New York



Electoral College Myth

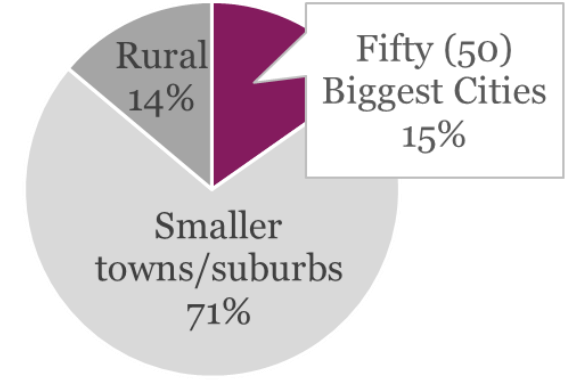
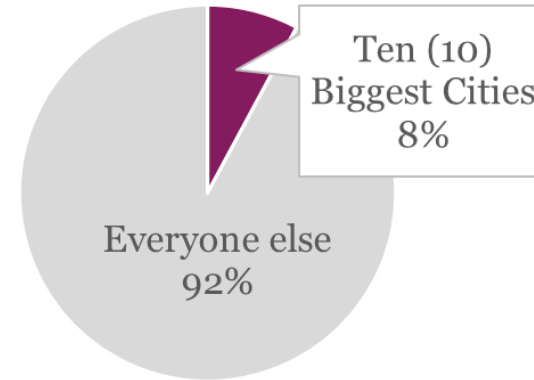
Myth

- Without the Electoral College, our Presidents would be chosen by a few big cities, like New York, Los Angeles, and Chicago.



Fact

- There aren't enough people living in New York City, Los Angeles and Chicago — or even in the 50 biggest cities — to choose the President on their own.



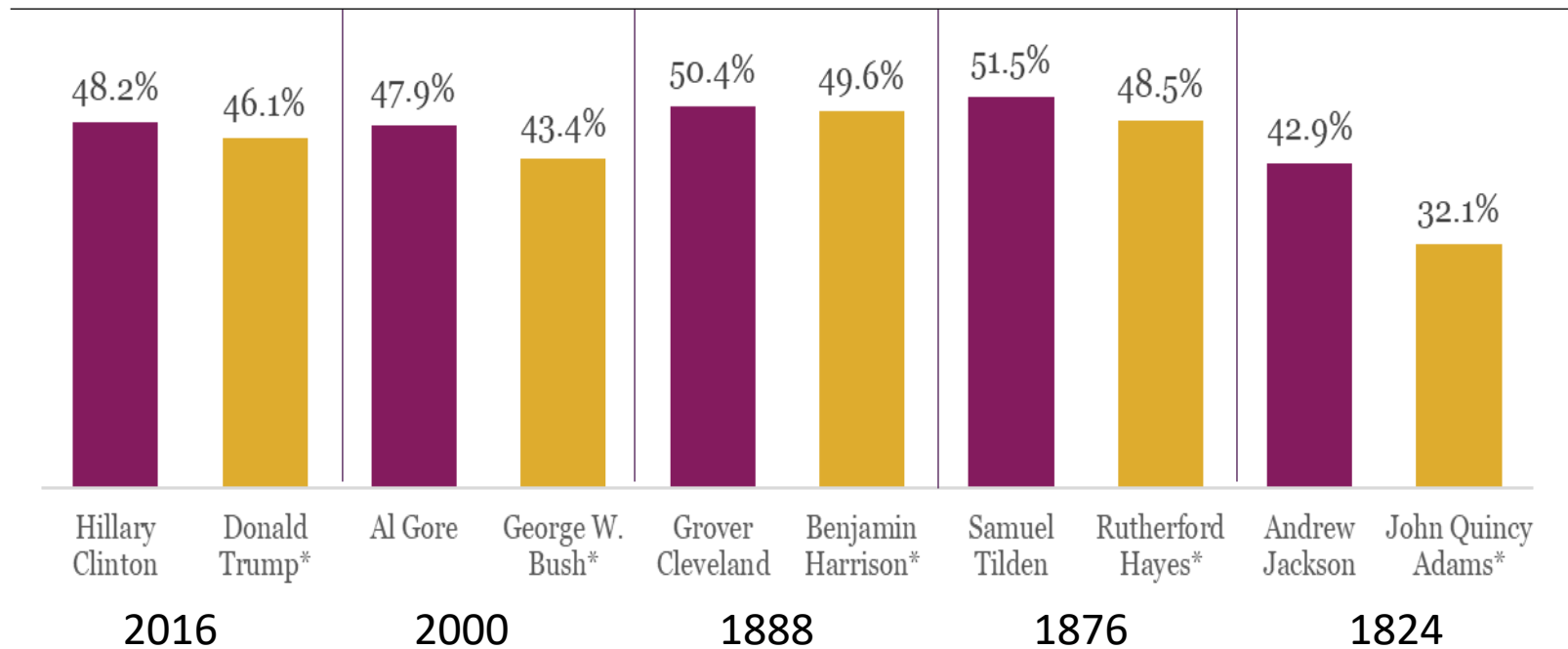
Electoral College Turns Losers into Winners

Problem: electoral college

Solution: Direct Popular Vote

- Allows a candidate with fewer votes from the people to win the Presidency.
- Ensures that the candidate with the most votes from the people becomes the President.

Popular Vote %



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