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SENATE STATE AFFAIRS COMMITTEE

BILL NUMBER SJR 12

SPONSOR Kerthula

BILL TITLE Amend US Constitution - abolish electoral college

DATE REFERRED 1-12-89

HEARING SCHEDULED

FISCAL NOTE PREPARED

SPONSOR CONTACTED

INTERESTED PARTIES CONTACTED

OTHER



Alaska State Legislature

SENATE

Official business

P.O. Box V
State Capitol
Juneau, Alaska 99811

M E M O R A N D U M

TO: Senator Pat Pourchot, Chairman
Senate State Affairs Committee

FROM: Senator Kerttula

SUBJ: SJR 12 -- Relating to a
Constitutional Amendment to
Abolish the Electoral College

DATE: February 20, 1990

I would appreciate your scheduling SJR 12, relating to a Constitutional amendment to abolish the Electoral College, at your earliest convenience. The historical reasons for the creation of the Electoral College no longer exist; and it is an anachronism, that in our democratic system of government, the President and Vice-President are not elected by direct-vote of the people.

The Electoral College was created as a result of a political compromise, for reasons which, while they made sense in 1787, no longer exist. The Constitutional Convention had debated three proposals for electing the President: election by Congress, election by direct vote of the people, and election by intermediate electors. In the context of the times, the first two proposals were considered controversial. Election of the President by Congress was controversial since it would result in such a strong legislature. Election of the President by direct vote of the people was considered controversial, since there was disagreement over whether the masses were sufficiently sophisticated to make such an important decision. Thus, the proposal that the President should be elected by intermediate electors won by default. "The most basic reason that the electoral college was invented was that the Convention was deadlocked on simpler schemes like direct election and choice by Congress and thus invented a

system which could be 'sold' in the immediate context of 1786."¹

There were two elections in the 1800s in which the winner of the Presidency by popular vote, lost the Presidency in the Electoral College:

Results of the 1876 Election

	Popular Votes		Electoral Votes
	Republican Count	Democratic Count	
Tilden (D)	4,285,992	4,300,590	184
Hayes (R)	4,033,768	4,036,298	185

Results of the 1888 Election

	Popular Votes	Electoral Votes
Harrison (R)	5,445,269	233
Cleveland (D)	5,540,365	168
Minor Parties	855,786	---

There have been three occasions in the 20th century, in which the nation has come very close electing a President who had lost the popular vote.

1916 Election: In the 1916 election, Woodrow Wilson (D) led the popular vote over Charles Evans Hughes (R) by 582,576. The outcome in the Electoral College hinged on California, which had 13 electoral votes. Excluding California, the electoral count stood at 264 for Wilson, 254 for Hughes. Whichever candidate won California, would be President. Wilson carried California by only 3,806 votes out of almost a million cast in the state. A shift of less than one-fifth of one percent of the California vote would have elected Hughes, despite Wilson's national popular vote plurality of well over half a million votes.

¹Peirce, Neal R. The People's President. The Electoral College in American History and the Direct-Vote Alternative. New York: Simon and Schuster, 1968.

1948 Election: In the 1948 election, Harry Truman (D) won the popular vote over Thomas Dewey (R) by more than two million votes, while he ran 114 votes ahead of Dewey in the electoral college. Truman's electoral vote margin was deceptive, however. A shift from Truman to Dewey of only 24,294 votes in three states (16,807 in Illinois, 8,933 in California and 3,554 in Ohio) would have made Dewey President instead.

1960 Election: In the 1960 election, there were "unprecedented" difficulties in determining the popular vote in Alabama. Under one method, it appeared the John Kennedy (D) had 188,559 more popular votes than Richard Nixon (R); under the second method, it appeared that Richard Nixon had 58,181 more popular votes than John Kennedy. Kennedy led Nixon by electoral votes by 303 to 219.

The Electoral College is left-over from the days when the mass of voters were considered too unsophisticated to make the important choice of who should be elected President. Today, we should consider the office of President, too important not to be determined by popular vote. The Electoral College is a historical anachronism, which could potentially lead to disastrous results in future elections.

JK:kh



Official Business

Alaska State Legislature

Senate

P.O. BOX V
State Capitol
Juneau, Alaska 9981

February 28, 1989

Jamie Bollenbach
Executive Director
Alaska Civil Liberties Union
P. O. Box 201844
Anchorage, Alaska 99520-1844

Dear Jamie:

Thank you for your letter of support for Senate Joint Resolution 12. I am forwarding a copy to Senator Pat Pourchot, Chair of the Senate State Affairs Committee.

If I can be of further assistance, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jay Kerttula".

Senator Jay Kerttula

JK:pt
cc: Senator Pat Pourchot

ACLU

ALASKA CIVIL LIBERTIES UNION

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An Affiliate of the American Civil Liberties Union

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Jamie Bollenbach
Executive Director

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& File both copies
O.C. 1st copy
of Reference
all members
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February 21, 1989

Senator Jay Kerttula
PO Box V
Juneau, AK 99811

Dear Senator Kerttula:

I would like to ~~offer~~ the Alaska Civil Liberties Union's support of Senate Joint Resolution 12. As you can see from the enclosed copy of the American Civil Liberties Union policy, the ACLU believes "that the electoral college from its basic conception was and is an undemocratic institution." We strongly support direct election of the President by the people.

SJR 12's request to the Congress to submit a constitutional amendment to the states ending the electoral college would be a statement by the Legislature that Alaska stands for the essential principles of democracy.

Thank you for your action to help end this grossly outmoded system. If I may be of any assistance in this matter, please contact me.

Sincerely,

Jamie Bollenbach
Jamie Bollenbach

Electoral System

(a) The Union recognizes the issue of presidential nomination and election as a civil liberties question, on the grounds of equal protection and under the principles of one man, one vote. [Board Minutes, February 15-16, 1969.]

The Union supports an amendment to the Constitution of the United States to provide for the election of the President and Vice-President by direct popular vote, on condition, however, that such amendment contains the following provisos: (1) if no candidate receives more than a fixed percentage of the total number of votes cast -- preferably a majority but not less than 40% -- a run-off election be held between the two highest contenders for the offices of President and Vice-President respectively; and (2) federally prescribed and federally supervised uniform non-discriminatory procedures and standards for registration and voting in such elections are required. [Board Minutes, April 19-20, 1969.]

ACLU believes that the electoral college from its basic conception was and is an undemocratic institution. It was brought into being based on a concept of elitism, under which the most distinguished citizens of each state would choose the President and Vice-President of the United States, unhampered by the wishes of those who selected the electors. ACLU believes that the electoral college should be abolished and the the President of the United States should be chosen by direct popular election. Our position is based on the principle that each individual is entitled to the equal protection of the laws in having an elector's vote equally weighted, and on its corollary enunciated in the one-man, one-vote rule. [ACLU Statement, April 30, 1969.]

All United States citizens, whether residing in states, United States territories, or in foreign lands, should, as part of their individual status as citizens, be entitled to vote for President and Vice-President. Congressional legislation, providing for an absentee ballot system for United States citizens living in foreign countries, should be passed to implement this right.

This statement should not be construed as in derogation of the right of a United States Territory to alter its relationship to the United States. [Board Minutes, April 11-12, 1970; News Release, April 27, 1970; Board Minutes, February 9-10, 1974.]

*C. E. all
members
S.A.S.*