

Contents

1	The Initial Design of the Electoral College: Basic Ideas, Logical Mistakes, and Overlooked Problems	1
1.1	The Founding Fathers' Electoral College: A Monster or a Masterpiece?	2
1.2	Neither the People, Nor Congress: Why Electors?	3
1.3	The 1787 Great Compromise and the Electoral College	5
1.4	An Unpleasant Heritage: Is the Electoral College a Vestige of Slavery?	7
1.5	The Electoral College: A Decisive Body or a Selecting Committee?	8
1.6	The Same Qualities Required: The Choice of a President and a Vice President	10
1.7	The Founding Fathers' Mistake: Should Anybody Care?	14
1.8	What Did the Founding Fathers Miss?	16
1.9	Who Can Be President or Vice President?	17
2	The Electoral College Today	19
2.1	Which Constitutional Amendments Defined the Electoral College. . .	20
2.2	The Twelfth Amendment Puzzles That Remain Unsolved.	21
2.3	The Electoral College: Concepts and Basic Principles	27
2.4	The "Winner-Take-All" Principle and the 1787 Great Compromise. . .	29
2.5	Electing a President in the House of Representatives	32
2.6	The Electoral College and Amendments 20, 22, 23, and 25	33
2.7	Electoral Requirements and Amendments 13, 14, 15, 19, 24, and 26	35
2.8	American Beliefs About the Election System	35
2.9	Is the Electoral College Impervious to Change?	38
3	Curbing Contingent Elections	43
3.1	Determining the Election Winner in Contingent Elections	44
3.2	When Both the Electoral College and Congress Fail	46
3.3	The Presidential Succession Act and Contingent Elections	52

4 Inconvenient Facts About the Electoral College 55

4.1 The Popular Vote As Americans Understand It 55

4.2 Which Election System Requires More Popular Votes to Win. 57

4.3 The Voting Power of a Voter and the Voting Power of a State 60

4.4 How Many States Secure the Victory? 62

4.5 What Should Be Considered the Will of the Nation? 63

5 The Electoral College and Campaign Strategies 65

5.1 The Electoral College and the Logic of Winning the Presidency. 66

5.2 Allocating Financial and Time Resources 70

5.3 Optimizing the Candidate’s Schedule 73

5.4 Applying Mathematics to Win 75

5.5 Gaming the Electoral College. 77

5.6 Misleading the Opponents 80

6 The National Popular Vote Plan: A Brilliant Idea or a Dead-on-Arrival Delusion? 81

6.1 The National Popular Vote Plan: What It Is, and Who Supports It 82

6.2 The Equality of Votes Under the NPV Plan: What Is Real, and What Is Plausible. 85

6.3 The “Achilles’ Heel” of the NPV Plan 87

6.4 Is the NPV Plan Constitutional? 91

6.5 Twisting One Constitutional Right of the State Legislatures 93

6.6 Do the NPV Rules Violate the Supreme Court Decisions? 95

6.7 An Egregious NPV Rule for Appointing Non-Elected Electors. 97

6.8 Does the NPV Plan Really Retain the Electoral College? 99

6.9 Can the States Pull Out of the NPV Compact? 101

6.10 Does the NPV Plan Have a Chance? 103

7 Equalizing the Will of the States and the Will of the Nation. 105

7.1 Public Perception of the Current System and Its Alternatives 106

7.2 Three Basic Approaches to Improving the System 108

7.3 A New Plan for Electing a President 113

8 Conclusion 125

References 131

Index. 135