

Electoral College is good system



**KENNETH
JANDA**

Imagine this scenario for the presidential election: Bill Clinton wins 43.3 percent of the vote to George Bush's 42.7 percent, with Ross Perot gaining only 13.5 percent. No one wins an absolute majority of the popular vote, and the two front-runners are virtually tied. The leaders are separated by only about 500,000 votes — about 10,000 per state. What would happen? Would the stock market crash? Would the "losing" candidate demand a recount? Would government become immobilized as the final result was being determined?

If history is a guide, none of these things will happen. These are the exact results produced by the 1968 election, when Richard Nixon squeaked past Hubert Humphrey in one of the closest presidential races in our history. Although George Wallace, the third candidate, carried five states and took 46 electoral votes, Mr. Nixon still won a solid majority (56 percent) of the electoral vote, emerging with a decisive margin of victory and a legitimate claim to govern.

Or consider an even closer election. In 1960, John Kennedy won only 49.7 percent of the vote to Mr. Nixon's 49.5 percent — a difference of fewer than 120,000 votes out of 68 million cast. Still, there were no demands for a recount; no protests in the street over a president not chosen by a majority of the voters. Instead the public accepted the outcome of this close election, and Mr. Kennedy, who also had 56 percent of the electoral vote, claimed a clear

mandate to govern.

The electoral vote system has served us well. Since the U.S. has been conducting mass popular elections for president, we have experienced only one presidential election that failed to identify a winner quickly and decisively. In 1876, Democrat Samuel Tilden won 51 percent of the popular vote in November over Republican Rutherford Hayes. But when the electoral votes were counted in December, Mr. Tilden was one vote short of a majority due to 20 disputed votes in the Electoral College, mainly from conflicting returns in three Southern states where Democrats had challenged Republican rule after the Civil War.

The Constitution offered no clear guide to resolving the dispute, so Congress established an electoral commission that reached a political decision, giving all 20 disputed votes to Republican Hayes. In return, the Southern Democrats in Congress gained the withdrawal of federal troops from the South and the end of Reconstruction. Mr. Hayes was not declared elected until March 2.

Since the Civil War, on only one other occasion did the popular vote winner fail to obtain a majority of the electoral vote, and that was in 1888.

Due to mistakes — whether accidental or intentional — all national elections produce results that are really estimates rather than true counts. If all votes in a hundred thousand precincts were recounted several times, there would be as many different outcomes as the number of counts.

Why then didn't Mr. Nixon or Mr. Humphrey demand a recount? Even if an election is very close in a state, there is no point in demanding a

recount unless the state's votes are critical to the outcome of the electoral vote. In 1960, Mr. Nixon's best chance for winning the electoral vote through a recount required him to shift a total of only 13,000 votes, but in five different states. To win in 1968, Mr. Humphrey needed to shift 154,000 votes in four states.

Admittedly, there is little democratic appeal in giving all of a state's electoral votes to a candidate who barely won it. But the method has the unique advantage of manufacturing a majority electoral vote to bolster their authority to govern.

Those who would replace our system with a direct popular vote should contemplate the skulduggery likely to ensue in a nationwide recount. Those who would replace the winner-take-all system for state electoral votes with an apportionment of electoral votes by congressional districts (as has occurred in Maine and recently Nebraska) should understand that this change will encourage political entrepreneurs. Running as minor party candidates, they would seek enough votes in targeted districts to throw a presidential election into the House of Representatives. Then they could trade their support for political favors.

We do not have the best presidential election system in democratic theory, but we may have the best in governmental practice.

Kenneth Janda is a professor of political science at Northwestern University and senior author of The Challenge of Democracy: Government in America. This article was excerpted from an Oct. 24 address at Lee College in Baytown, Texas.