

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?	4
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?	9
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?	17
1.9	Who Can Be President or Vice President?	18
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	30
2.4	The “Winner-Take-All” Principle and the 1787 Great Compromise	33
2.5	Electing a President in the House of Representatives	36
2.6	The Electoral College and Amendments 20, 22, 23, and 25	37
2.7	Electoral Requirements and Amendments 13, 14, 15, 19, 24, and 26	39
2.8	American Beliefs About the Election System	40
2.9	Is the Electoral College Impervious to Change?	42

- 3 Curbing Contingent Elections.** 47
 - 3.1 Determining the Election Winner in Contingent Elections 48
 - 3.2 When Both the Electoral College and Congress Fail 51
 - 3.3 The Presidential Succession Act and Contingent Elections. 60
- 4 Inconvenient Facts About the Electoral College** 63
 - 4.1 The Popular Vote as Americans Understand It. 64
 - 4.2 Which Election System Requires More Popular Votes to Win 66
 - 4.3 The Voting Power of a Voter and the Voting Power
of a State 69
 - 4.4 How Many States Secure the Victory? 71
 - 4.5 What Should Be Considered the Will of the Nation? 72
- 5 The Electoral College and Campaign Strategies** 75
 - 5.1 The Electoral College and the Logic of Winning
the Presidency 76
 - 5.2 Allocating Financial and Time Resources. 80
 - 5.3 Optimizing the Candidate’s Schedule 84
 - 5.4 Applying Mathematics to Win 86
 - 5.5 Gaming the Electoral College. 89
 - 5.6 Misleading the Opponents 91
- 6 The National Popular Vote Plan: A Brilliant Idea
or a Dead-on-Arrival Delusion?** 93
 - 6.1 The National Popular Vote Plan: What It Is,
and Who Supports It 94
 - 6.2 The Equality of Votes Under the NPV Plan: What Is Real,
and What Is Plausible. 97
 - 6.3 The “Achilles’ Heel” of the NPV Plan. 100
 - 6.4 Is the NPV Plan Constitutional? 103
 - 6.5 Twisting One Constitutional Right of the State Legislatures. 106
 - 6.6 Do the NPV Rules Violate the Supreme Court Decisions? 108
 - 6.7 An Egregious NPV Rule for Appointing Non-elected Electors. . . . 110
 - 6.8 Does the NPV Plan Really Retain the Electoral College? 112
 - 6.9 Can the States Pull Out of the NPV Compact? 114
 - 6.10 Does the NPV Plan Have a Chance? 116
- 7 Equalizing the Will of the States and the Will of the Nation** 119
 - 7.1 Public Perception of the Current System and Its Alternatives. 120
 - 7.2 Three Basic Approaches to Improving the System 123
 - 7.3 A New Plan for Electing a President 127
- 8 Conclusion: Fundamental Merits, Embedded Deficiencies,
and Urgent Problems of the U.S. Presidential Election System** 139
 - 8.1 Fundamental Merits of the System 140
 - 8.2 Embedded Deficiencies of the System 142

8.3	Some Urgent Problems of the System	144
8.4	Seven Major Topics Relating to Presidential Elections.	145
References	157
Index	163