

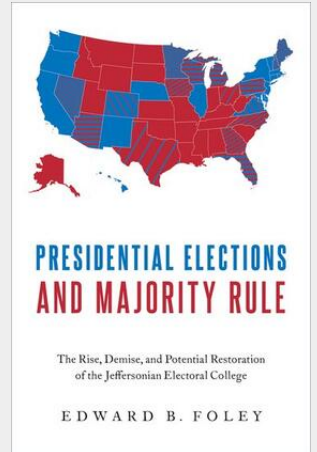
Foley

## Presidential Elections and Majority Rule

The Rise, Demise, and Potential Restoration of the Jeffersonian Electoral College

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The Electoral College that governs America has been with us since 1804, when Thomas Jefferson's supporters redesigned it for his re-election. The Jeffersonians were motivated by the principle of majority rule. Gone were the days when a president would be elected by acclamation, as George Washington had been. Instead, given the emergence of intense two-party competition, the Jeffersonians wanted to make sure that the Electoral College awarded the presidency to the candidate of the majority, rather than minority, party. They also envisioned that a candidate would win by amassing a majority of Electoral College votes secured from states where the candidate's party was in the majority. For most of American history, this system has worked as intended, producing presidents who won Electoral College victories derived from state-based majorities. In the last quarter-century, however, there have been three significant aberrations from the Jeffersonian design: 1992, 2000, and 2016. In each of these years, the Electoral College victory depended on states where the winner received only a minority of votes. In this authoritative history of the American Electoral College system, Edward Foley analyzes the consequences of the unparalleled departure from the Jeffersonians' original intent and delineates what we can do about it. He explains how states, by simply changing their Electoral College procedures, could restore the original Jeffersonian commitment to majority rule. There are various ways to do this, all of which comply with the Constitution. If only a few states had done so before 2016, the outcome might have been different. Doing so before future elections can prevent another victory that, contrary to the original Jeffersonian intent, a majority of voters did not want.



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