



Handout: The Electoral College and the Constitution

1. Read the following section from the Constitution and answer the questions below.

Article II, Section 1. *The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:*

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

How is the number of electors determined for each state? _____

Who is exempt from being selected as an elector? _____

2. Below is an excerpt from the original Constitution. It was later modified by the 12th Amendment. Read the text and answer the question below.

Article II, Section 1.

*[The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.]**

The Congress may determine the Time of choosing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

Explain the original process of electing a president and vice president according to the Constitution. How does it differ from today? _____



3. Read the following excerpt from “Federalist No. 68, The Mode of Electing the President”, written by Alexander Hamilton.

It was desirable that the sense of the people should operate in the choice of the person to whom so important a trust was to be confided. This end will be answered by committing the right of making it, not to any preestablished body, but to men chosen by the people for the special purpose, and at the particular conjuncture.

It was equally desirable, that the immediate election should be made by men most capable of analyzing the qualities adapted to the station, and acting under circumstances favorable to deliberation, and to a judicious combination of all the reasons and inducements which were proper to govern their choice. A small number of persons, selected by their fellow-citizens from the general mass, will be most likely to possess the information and discernment requisite to such complicated investigations.

Explain Hamilton’s position regarding electors. _____

4. Read the 12th Amendment below, and explain how it modified the Constitution.

Amendment 12 - Choosing the President, Vice-President. Ratified 6/15/1804.

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;

The person having the greatest Number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.



5. How many electors are appointed in your state? Access C-SPAN's Congressional Chronicle website, <http://www.c-spanvideo.org/congress>, and click on the Members tab. Once the map has populated, you can click on your state. Your members of Congress will populate. Add together the number of members in the House of Representatives and the Senate to determine the number of electors who will represent your state in the next election. These are **not** the electors in your state. They only represent the number of electors to which your state is entitled. _____

6. After viewing Michael White's video, answer the following questions: Who are the electors? How are they selected? Who do they represent? What is their role in an election? What information is included in the certificates of ascertainment? What are the requirements of being an elector? How many certificates of votes are there?

7. View the videos of the electors in Illinois and Arizona officially casting their votes in the 2008 election, and respond to the following questions.

- Where is this session taking place?
- Who is present?
- How are the ballots cast?
- Does each elector announce their vote or is it a silent vote?
- Where are the ballots delivered following this process?

Note any additional observations or questions you have. _____

7. View the clip of the Electoral Vote Count Certification. Explain how the votes from each state are presented and verified. _____



Electoral College Socratic Seminar Reflection

Federalist No. 68, The Mode of Electing the President

~ Alexander Hamilton

"I venture somewhat further, and hesitate not to affirm, that if the manner of it be not perfect, it is at least excellent. "

As a result of this seminar, I learned.....

Some observations I made during this seminar were.....

My thinking did/did not change during this seminar because....

This seminar left me thinking about.....