

2012-2013 Teaching American History

Extended Discussion/Writing Lesson Plan Template

Lesson Title: Electoral College

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Appropriate for Grade Level(s):11

US History Standard(s)/

C13.[9-12].7 Analyze and evaluate the role of citizen participation in civic life.

C13.[9-12].8 Examine the responsibilities of local, state, and national citizenship.

CCSS: Integrate and evaluate multiple sources of information presented in diverse formats in order to address a question or solve a problem.

CCSS: Initiate and participate effectively in a range of collaborative discussions with diverse partners on grades 11 - 12 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.

Discussion Question(s): Should the Electoral College be eliminated?

Discussion Engagement Strategy: Pro se court

Student Readings/sources (list):

League of Women Voters. *Choosing the President*. New York: Nick Lyons Books, 1984. Print.

Electoral College Primer <http://www.hks.harvard.edu/case/3pt/electoral.html>

Description of student writing assignment and criteria/rubric used for assessment of student writing: Students will write a thoughtful, well-constructed essay about if the Electoral College should be eliminated. Students will work from a grading rubric adapted for an AP level class.

Total Time Needed: 90 minutes

Lesson Outline:

Time Frame (e.g. 15 minutes)	What is the teacher doing?	What are students doing?
5 minutes	Asking "how does the President of the United States get elected?" Record answers on the board.	Answering the question in their notes "how does the President of the United States get elected?"
10 minutes	Have students read The Electoral College from <i>Choosing the President</i>	Read The Electoral College from <i>Choosing the President</i>
5 minutes	Answer any questions that the students may have after reading <i>Choosing the President</i>	Asking questions from the reading to clarify what and why the Electoral College was created
5 minutes	Split the class into 3 groups. Assign roles to each group: Judges, Pro and Con	Break into assigned groups
15 minutes	While reading, students will underline any words they don't understand and highlight reasons	Students will read their assigned reading(s). While reading students will underline any words

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	<p>either for or against the Electoral College. Pro will read <i>The Electoral College Serves the Interest of All People</i> and <i>The Electoral College, Pro and Con</i> Con will read <i>Column: Electoral College Should Be Fixed, Not Dumped</i> and <i>The Electoral College, Pro and Con</i> Judges will read all readings</p>	<p>they don't understand and highlight reasons either for or against the Electoral College. Pro will read <i>The Electoral College Serves the Interest of All People</i> and <i>The Electoral College, Pro and Con</i> Con will read <i>Column: Electoral College Should Be Fixed, Not Dumped</i> and <i>The Electoral College, Pro and Con</i> Judges will read all readings</p>
5 minutes	Ask students to brainstorm any unknown words and define them. Address any other student questions regarding the reading.	Students will brainstorm unknown words for definitions and clarification. Students will ask any other questions they have regarding the reading.
15 minutes	In their reading groups, have students discuss and summarize the reading, creating a list of reasons why the Electoral College should be kept or eliminated. Judges will be making both lists and come up with questions to ask the Pro and Con groups.	In their reading groups, students will discuss and summarize the reading, creating a list of reasons why the Electoral College should be kept or eliminated. Judges will be making both lists and come up with questions to ask the Pro and Con groups.
5 minutes	Create groups of three: each group will include a Pro, Con and a Judge. Arrange the groups of three so that the Pro and Con member are facing the Judge.	Students will break up into their assigned groups and arrange their desks with the Pro and Con facing the Judge.
5 minutes	Explain to the groups that the Pro and the Con will each give an opening statement in what their side of the argument is. After opening statements, the Judge will question both sides.	The Pro and Con in each group will give an opening statement to their respective judge. Pro and Con groups will answer all questions posed by the Judge.
15 minutes	Monitor.	The judge will ask questions concerning each person's statement. Each judge will keep 'score' of the best responses.
5 minutes	Keep a tally of who won according to each group's judges.	Each Judge will announce their decision of who had the best argument in their group.
Homework		Write an essay on whether or not the Electoral College should be eliminated.

Include the model essay for the writing assignment, which uses the sources and criteria students will be using for their writing assignment.

The Electoral College

The actual mechanism of electing the president and the vice president of the United States is a rather complicated process. The electoral college is one of the many compromises written into the United States Constitution in 1787. The founding fathers devised the electoral college to elect the president but they did not anticipate the emergence of national political parties or a communications network able to bring presidential candidates before the entire electorate.

Providing that the president be chosen indirectly through the "electoral college" rather than directly by the voters in November was one of the founders' hedges against "popular passion." In the beginning, the electors had very real powers to work their will. Now, their sole function is to confirm a decision made by the electorate six weeks earlier.

Under the Constitution, each state is authorized to choose electors for president and vice president, the

number always being the same as the combined number of U.S. senators and representatives allotted to that state. With 100 senators and 435 representatives in the United States, plus three electors for the District of Columbia provided by the Twenty-third Amendment, the total electoral college vote is 538.

Makeup and operation of the electoral college itself are tightly defined by the Constitution, but the method of choosing electors is left to the states. In the beginning many states did not provide for popular election of the presidential electors. Today, however, electors are chosen by direct popular vote in every state. When voters vote for president, they are actually voting for the electors pledged to their presidential candidate. (Electors are named by state party organizations. Serving as an elector is considered an honor, a reward for faithful service.)

With the political parties in control of presidential politics, the function of the electoral college has changed drastically. Rather than having individuals seek to become electors and then vote for whomever they please for president, the parties have turned the process upside down by arranging slates of electors, all pledged to support the candidate nominated by the party.

In the earliest days of the electoral college, quite the opposite was true. Electors cast their votes for individual candidates rather than for party slates, with the majority winner being elected president and the runner-up, vice president. This made for some bizarre situations, as in 1796 when the Federalist John Adams, with 71 votes, became president and the Democratic-Republican Thomas Jefferson, with 68, vice president- roughly equivalent in modern times to an election in which Bush and Dukakis would end up as president and vice president. In 1800 Jefferson and his running mate, Aaron Burr, each won an identical number of electoral votes, forcing the election into the House of Representatives, which resolved it in Jefferson's favor. It was to avoid any similar occurrence that the Twelfth Amendment was passed in 1804. This amendment required the electors to cast two separate ballots, one for president and the other for vice president. This is the only constitutional change that has been made in the electoral college system, other than to add three electoral votes for the District of Columbia in 1961.

Presidential and vice presidential candidates of a party run as a team. In most of the states, it is the names of the candidates rather than the names of the electors that appear on the ballot; in the other states, both candidates and electors are identified. The victor in each state is determined by counting

the votes for each slate of electors; the slate receiving the most votes (the plurality, not necessarily the majority of the votes cast) is declared the winner.

To be elected to the presidency a candidate must receive an absolute majority (270) of the electoral votes cast. If no candidate receives a majority, the House of Representatives picks the winner from the top three, with each state delegation in the House casting only one vote, regardless of its size. Only two U.S. elections have been decided this way (1800 and 1824).

The vice president is elected at the same time by the same indirect winner-take-all method that chooses the president, but the electors vote separately for the two offices. If no vice presidential candidate receives a majority, the Senate picks the winner from the top two, each senator voting as an individual. The Senate has not made the choice since 1836.

The Electoral College, Pro and Con

The electoral college mechanism has not lacked for critics over the years. The basic objection is that the system clearly has the potential to frustrate the popular will in the selection of a president and a vice president.

Because of the aggregation of electoral votes by state, it is possible that a candidate might win the most popular votes but lose in the electoral college voting. This happened in 1824 (when the election was thrown into the House), in 1876 (when there were disputed electors from several states), and in 1888. The winner take-all system literally means that the candidate team that wins most of the popular votes (the plurality vote winner) in a particular state gets all of the electoral votes in that state, and the loser gets none, even if the loss is by a slim popular-vote margin. Thus a candidate who fails to carry a particular state receives not a single electoral vote in that state for the popular votes received. Since presidential elections are won by electoral-not popular-votes, it is the electoral vote tally that election-night viewers watch for and that tells the tale.

Another problem cited by critics is the possibility of "faithless electors" who defect from the candidate to whom they are pledged. Most recently, in 1976, a Republican elector in the state of Washington cast his vote for Ronald Reagan instead of Gerald Ford, the Republican presidential candidate. Earlier, in 1972, a Republican elector in Virginia deserted Nixon to vote for the Libertarian party candidate. And in 1968, Nixon lost another Virginia elector, who bolted to George Wallace.

The main danger of faithless electors is that the candidate who wins the popular vote could wind up one or two votes short of a majority in the electoral college and could lose the election on a technicality. This prospect becomes more probable when there are third-party or independent candidates who could negotiate with electors before they vote.

Many see the apportioning of the electoral college votes by states as a basic flaw, because it gives each of the smaller states at least three electoral votes, even though on a straight population basis some might be entitled to only one or two.

Critics of the system also argue that the possibility that an election could be thrown into the House of Representatives is undemocratic. In such a case each state has a single vote, which gives the sparsely populated or small states equal weight with more populous states such as California or New York. The two occasions when it occurred (1800 and 1824) were marked by charges of "deals" and "corrupt bargains." In any event, giving each state one vote in the House of Representatives regardless of the number of people represented is not consistent with the widely accepted concept of one-person-one-vote. Also, one vote per state in the House of Representatives may not necessarily result in a choice that replicates the electoral vote winner in that state in November.

Those who argue in favor of retaining the present system state that there is too much uncertainty over whether any other method would be an improvement. They point out that many of the complaints about the electoral college apply just as well to the Senate and, to some extent, to the House. They fear that reform could lead to the dismantling of the federal system.

Another argument made by defenders of the electoral college is that the present method serves American democracy well by fostering a two-party system and thwarting the rise of splinter parties such as those that have plagued many European democracies. The winner-take-all system means

that minor parties get few electoral votes and that a president who is the choice of the nation as a whole emerges. In the present system, splinter groups could not easily throw an election into the House. Supporters feel strongly that if the electors fail to agree on a majority president, it is in keeping with the federal system that the House of Representatives, voting as states, makes the selection.

Supporters also argue that the electoral college system democratically reflects population centers by giving urban areas electoral power; that is where the most votes are. Thus together, urban states come close to marshaling the requisite number of electoral votes to elect a president.

A final argument is that for the most part, the electoral college system has worked. No election in this century has been decided in the House of Representatives. Further, the winner's margin of votes is usually enhanced in the electoral vote—a mathematical happening that can make the winner in a divisive and close election seem to have won more popular support than he actually did. This is thought to aid the healing of election scars and help the new president in governing.

Column: Electoral College should be fixed, not dumped

Why not elect presidents based on popular vote? Let me count reasons -- why not.

The idea is seductive and persistent. Why not abolish the Electoral College, make every citizen's vote count equally and elect a president who is the winner of the national popular vote? It is also dangerous to the health of the American democracy. The reasons why:

1) A national recount. A direct election is national and every vote counts equally, so should there be a need for a recount every vote would need to be recounted. Such a recount nightmare, involving more than 130 million votes, would make the 2000 Florida recount of 6 million votes cast seem like a pleasant dream.

2) A minority president. In a direct election, a candidate who garners no more than 30% of the national popular vote could be president. Fringe parties could determine the winner by siphoning off votes from one candidate or another, and a fringe party with a popular message might win. A runoff election might minimize these risks, but the runoff could easily be between two candidates whose vote share did not exceed 30%. The winner, if the history of runoffs in states is any guide, would be determined by substantially fewer voters than in the general election.

3) A glut of attack ads. One can lament the glut of attack advertising in this year's battleground states, but a direct election would visit that plague on the whole nation. This would, in turn, further empower the donors of the large sums needed to mount such a campaign and the political consultants who are ruining U.S. politics.

4) Withering the grassroots. The effect of a major national media campaign would be to reduce the resources for registration, voter education and get out the vote mobilization, which, in turn, will likely reduce voter turnout. Among the states whose participation rates have been declining most are states such as California and New York, where campaigns rely almost exclusively on television advertising.

5) Undermining federalism and pluralism. By nationalizing their message, campaigns will have no incentive to speak to the concerns of specific groups such as farmers in the Midwest, coal miners across Appalachia, minorities or the young. There will be a much smaller incentive to build coalitions of interests that will help with governance or speak to the differing needs of states and regions.

The Electoral College system is not without flaws. The largest of these is that presidential campaigns tend to exclusively focus on a handful of battleground states. This is not a result of the Electoral College per se, but the winner-take-all method of selecting electors in every state but two. If a campaign perceives that it can win the majority vote of a state easily or that it has no hope of winning, it will devote minimal resources in that state.

The remedy is not to get rid of the Electoral College but to get rid of winner-take-all. There are two potential remedies:

- States could adopt the system used in Maine and Nebraska, where the winner of the state's popular votes garners two electors (representing the U.S. Senate delegation) while the electors representing the number of a state's U.S. House members are awarded to the winner in each congressional district.
- Or electors could be selected proportionally, reflecting each candidate's share of the state's popular vote.

Each of these remedies would likely make the national Electoral College vote more congruent with the popular vote, and more important, it would put virtually all states in play for all candidates and provide incentives for grassroots campaigning.

The Electoral College stands as a bulwark for pluralism, federalism, coalition building and participation. It stands as a deterrent to unbridled majoritarianism, total dominance of the news media and money, and the nightmare of a national recount. Its ground rules need to be amended, but the essential institution should not be discarded.

Curtis Gans is director of the non-partisan Center for the Study of the American Electorate.

The Electoral College Serves the Interests of All People

The Electoral College makes American politics more inclusive, moderate, and stable than if we directly elected the president of the United States. While it can frustrate partisans—on both sides—the Electoral College has served the American voter well and should be preserved.

Put simply, the Electoral College is the constitutional, state-by-state way the American people elect the president. It is a democratic process in two-steps. The people vote to determine how their state will cast its electoral votes. The candidate with a majority of those electoral votes becomes president. It isn't really that complicated, and it certainly isn't undemocratic.

While some pundits complain about "safe states" and "swing states," those labels just reflect how the people of those states are likely to vote. It's no different than in congressional districts—actually, it's much better. About twice as many people live in swing states as in competitive congressional districts.

The benefits of the Electoral College come from the need to win state-by-state. This means candidates can't just go to their strongholds and drive up turnout—or stuff ballot boxes. The Electoral College makes candidates go to the most evenly divided parts of our country to make their case to those voters. Over time, this has made American political parties less extreme and more inclusive than they would have been without the Electoral College.

The current presidential election process also provides for stability and security. In most presidential races, the Electoral College outcome is more decisive than the popular vote result, making clear who is the legitimate president. The Electoral College also uses the states like water-tight compartments on an ocean liner to contain election problems: A dispute in one state doesn't sink the whole ship, and nation-wide recounts are never necessary.

Americans are fortunate that through debate and compromise, the framers of the Constitution created the Electoral College. While it doesn't work exactly as the founding generation thought it might, it probably works better than they could have imagined. It doesn't tip the scales in favor of Democrats or Republicans—but instead serves the interests all the people.

SAMPLE ESSAY

Of all the governmental “institutions” in the United States, probably the least understood institution is the Electoral College. Designed to protect the republic from the “popular passion” of direct democracy, the Electoral College adds a layer of representation between the population and the presidency. In other words, when people cast a vote for president and vice president, what they’re really doing is voting for an elector committed to voting for the same person. Many Americans feel the Electoral College should be abolished. My response: if it ain’t broke, don’t fix it!

In the 226 years our republic has used the Electoral College, it has worked in all but two cases. In the first of the two cases, the president and vice president were from two separate political parties (1796, John Adams, president and Thomas Jefferson, vice president). In the second case, the president and the vice president received the same number of electoral votes (1800, Thomas Jefferson and Aaron Burr). To solve these dilemmas, the United States ratified the 12th Amendment which required that electors cast separate ballots for both the president and the vice president. While it’s true that presidential elections have been tossed into the House of Representatives for the final decision in two cases (1800 and 1824), these cannot be considered a failure of the Electoral College but proof that the system and backup system (the House of Representatives deciding) actually worked. To wit: in the election of 1800, the House of Representatives decided—AND EVERYBODY ACCEPTED—a change in political direction from the Federalists (Adams) to the Democratic-Republicans (Jefferson). At no time in human history has power transferred peacefully from one political party to another. So unusual was this, the election of 1800 is often called “The Revolution of 1800.” Why would the United States want to change a system that was so revolutionary that it actually worked?

Many people believe that the Electoral College is “undemocratic.” Clearly, these people need a refresher course on the Constitution. First, the Constitution did not create a democracy, nor was it intended to create a democracy. In fact, the framers of the Constitution worked very hard at NOT creating a democracy. Instead, the Constitution is founded on the principle of representation. The House of Representatives represents the people directly. Members of the Senate were originally elected by state legislatures (this was later changed by constitutional amendment). The reason for this was to make sure that the easily swayed and passionate electorate would have cooler heads between

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them and the major decision makers in government. In time, it was hoped, a “meritocracy” would arise...the best society could offer would serve in government. With this background, is it any surprise there is a layer of representation between the people and the president? That layer is the Electoral College. State citizens vote for president and electors vote for the candidate who won a majority in their state. “Faithless electors” are a danger—an elector who “defects” to another candidate. However, this has only happened three times in 226 years (1968, 1972 and 1978). That’s a whopping 5%. Put another way, the Electoral College has worked as intended 95% of the time. By any metric, that’s a successful way to elect a president.

If any change were to be made to the Electoral College, the best idea would be to change the “winner take all” concept. Currently, the majority winner of votes cast for president in any state is awarded all of the electoral college votes for that state. If a candidate “played the numbers” right, they could, technically lose the popular vote but still win the electoral college. If states changed to the model of Maine and Nebraska, the popular vote winner would get two electoral votes for that state and the winner of each Congressional district would earn that electoral college vote. Thus, you could have a few electoral college votes for one candidate and a few for another candidate. This would make the Electoral College more responsive to the popular vote.

When all is said and done, the United States has one of the most effective forms of electing political leadership on the planet. It may not be perfect but it’s hard to argue with a 95% success rate. Thus, If it ain’t broke, don’t fix it!

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GRADING RUBRIC

AP U.S. HISTORY: GENERIC RUBRIC FOR DBQ AND FRQ RESPONSES

The list of characteristics following the grades apply to both free response essays and DBQ's and indicate what student essays need to contain in order to score in a particular category. In addition, DBQ essays must incorporate document analysis and substantial information that is not contained in the documents (outside information).

8 – 9

- Strong, well developed thesis which clearly addresses the question; deals with the most significant issues and trends relevant to the question and the time period
- Abundant, accurate specifics; may contain insignificant errors
- Depending on what is called for, demonstrates well-reasoned analysis of relationship of events and people, cause and effect, continuity and change
- Covers all areas of the prompt in approximate proportion to their importance (Extremely good papers need not be totally balanced)
- Effective organization and clear language
- **DBQ: Sophisticated use of a substantial number of documents; substantial relevant outside information; chronologically coherent**

5 – 7

- Has a valid thesis; deals with relatively significant issues and trends
- Some accurate specific information relevant to the thesis and question
- Analyzes information: uses data to support opinions and conclusions; recognizes historical causation, change, and continuity
- Adequately addresses all areas of prompt; may lack balance
- May contain a few errors, usually not major
- Adequately organizes; generally clear language; may contain some minor grammatical errors
- **DBQ: Use of some documents and some relevant outside information**

2 – 4

- Thesis may be absent, limited, confused, or poorly developed; may take a very general approach to the topic, failing to focus on the question; position may be vague or unclear
- Superficial or descriptive data which is limited in depth and/or quantity
- Limited understanding of the question; may be largely descriptive and narrative
- Adequately covers most areas of the prompt; may ignore some tasks
- May contain major errors
- Demonstrates weak organization and writing skills which may interfere with comprehension
- **DBQ: Misinterprets, briefly cites, or simply quotes documents; little outside information, or information which is inaccurate or irrelevant**

0 – 1

- Usually has no discernible thesis, contains a thesis that does not address the question, or simply restates the question
- Superficial, inappropriate or erroneous information; or information limited to a small portion of the prompt
- Analysis may be fallacious
- May contain numerous errors, both major and minor
- May cover only portions of the prompt; refers to the topic but does not address the prompt
- Erratic organization; grammatical errors may frequently hinder comprehension
- **DBQ: Poor, confused, or no use of documents; inappropriate or no outside information**

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BIBLIOGRAPHY

Choosing the President, 1992. New York: Lyons & Burford, 1992. Print.

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