

REVISE ELECTORAL COLLEGE VOTE ALLOCATION

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House Bill 5974

Sponsor: Rep. Pete Lund

Committee: Elections and Ethics

Complete to 11-17-14

A SUMMARY OF HOUSE BILL 5974 AS INTRODUCED 11-13-14

House Bill 5974 would amend the Michigan Election Law to revise the manner in which Michigan's votes in the Electoral College are allocated in a presidential election.

At present, generally speaking, the presidential candidate who wins the popular vote in Michigan gets the state's electoral votes. Currently, Michigan has 16 electoral votes, based on its 14 congressional districts and 2 U.S. senators.

The Election law says, specifically, that *the candidates for electors of president and vice president who shall be considered elected are those whose names have been certified to the secretary of state by that political party receiving the greatest number of votes for those offices at the next November election.* House Bill 5974 would eliminate this provision.

Instead, the bill would require that president electors be allocated as follows:

- The statewide popular vote for the top two candidates for president of the United States would be added together.
- The political party of the candidate receiving the most statewide popular votes would be allocated one-half of the presidential electors, plus one additional elector. (The number would be rounded down if the number of presidential electors allocated is not a whole number; that is, if the state loses or gains a congressional seat in the future.)
- In addition, the political party of the candidate receiving the most statewide popular votes would be allocated one additional presidential elector for every 1.5 percent of the popular vote that the candidate receives over 50 percent of the popular vote. (As the bill is written, this percentage appears to be the percentage of the total vote for the two top candidates, rather than the percentage of the total votes for all candidates.)
- Any remaining presidential electors not allocated as described above would be allocated to the political party of the candidate receiving the second most statewide popular votes for president of the United States.

Finally, the bill specifies that the candidates for electors of president and vice president of each political party who shall be considered elected are those whose names have been certified to the secretary of state, and who have been selected by each political party based on the allocation of presidential electors described above.

MCL 168.42

FISCAL IMPACT:

The bill would have no fiscal impact on the Department of State.

BACKGROUND INFORMATION:

Currently Michigan has 16 electors in the Electoral College. Michigan Election Law requires that in presidential election years, each Michigan political party, at its fall state convention, choose electors for U. S. president and vice-president that is equal to the number of U.S. senators (2) and U.S. representatives (14) that Michigan sends to Congress. The chairperson and the secretary of each party's state central committee are then required, within one business day after the state convention ends, to forward to the secretary of state, by registered or certified mail, a certificate containing the names of their candidates for electors.

The Michigan Secretary of State describes the Electoral College on [the Department of State's website](#), as follows:

What is the Electoral College?

Often misunderstood today, the Electoral College was established early in our country's history and continues to play an important role in the American political process. Although the name suggests ivy-covered walls and classrooms filled with books, the Electoral College is responsible for formally selecting the next president and vice president of the United States.

On the night of the Presidential Election, most Americans stay tuned to news reports to find out who won. But even after the final votes are tallied and the winner is announced, our choice for president and vice president is not official until the Electoral College casts its votes.

The Electoral College is comprised of 538 people, known as electors, chosen nationwide to meet in their home states and cast one vote per person for president and vice president. Michigan has 16 electors to reflect the number of senators and representatives it has in the U.S. Congress. Presidential candidates on the Michigan ballot submit a list of 16 qualified electors to the Secretary of State's Office. The 16 electors whose candidate wins Michigan's popular vote will participate in the Electoral College at the State Capitol in December.

Electors pledge to support the candidate they represent and may not vote otherwise. Michigan voters can be assured that all 16 Michigan electoral votes automatically go to the presidential candidate winning the popular vote.

Most states distribute their Electoral College votes in the same "winner takes all" fashion as Michigan. However two states, Maine and Nebraska, apportion their electoral votes by congressional district.

To be elected president, a candidate must receive at least 270 of the 538 electoral votes cast nationwide. If no candidate receives 270 votes, the final decision is made by the U.S. House of Representatives. Only two American presidents have been chosen by the U.S. House of Representatives because they lacked enough Electoral College votes. In 1800, Thomas Jefferson and, in 1824, John Quincy Adams both took office after the election was sent to the House of Representatives.

To understand why the Electoral College, and not the people, ultimately determines who is president requires a brief look into our country's turbulent beginnings. The Electoral College was written into the U.S. Constitution in 1787, a time when our nation was new and still struggling in many ways, including politically. Of primary concern was the possibility of a nationwide election breaking down into chaos and confusion.

To counter the politically volatile environment of the late 18th century, the Electoral College was established to balance the state's and people's interests. The idea of mass communication and the dominant two-party political system we take for granted today could never have been anticipated by our country's first leaders as they wrestled with the problems of the early republic.

Our country was founded on the principle of government of the people, by the people and for the people. Voting is one of this country's most cherished rights. Our political system, including the Electoral College, is designed to ensure the full realization of this fundamental principle.

For more information, visit the U.S. Electoral College Web site at <http://www.archives.gov/federal-register/electoral-college/index.html>.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.