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of the Winner-Take-All Electoral College**

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**Introduction**

In the United States voting is a fundamental right marked by the requirement of equal weight. This concept is best expressed by the Supreme Court in its reapportionment decisions where it mandated “one person, one vote.” This mandate demands nearly mathematical equality in the apportionment of congressional districts and in the requirement that the counting of votes give equal weight to each voter across the state. Thus, as became clear in 2000 *Bush v. Gore*, Supreme Court decision, voters in one part of the state did not have a different standard for the counting of their votes compared that in other parts of the state. Geography should not impact voting rights and weight.

Yet despite this equal weight imperative, some votes count more than others. There is a debate regarding the impact of swing or independent voters in American and presidential politics (Campbell 2008; Shaw 2008). While some argue that swing voters either do not swing or have a marginal impact on campaigns, the decline in voter partisan identification and rise of independents means that they have a potential impact on elections, making them a desirable commodity sought by candidates (Campbell 2008; Pomper 1975; Miller and Shanks 1996; Lewis-Beck 2008). Additionally, presidential elections stand as an exception to that requirement. A robust literature notes how during the presidential primary and caucus process, voters in states such as Iowa or New Hampshire effectively have a greater voice in the election

than those in other states (Brady 1989; Bartles 1989; Hull 2008; Mayer and Busch 2004; Schier 1980). This is due to the number of voters in these states and the strategic importance of them coming at the beginning of the presidential selection process. Additionally, the Electoral College is criticized as giving disproportionate to some voters or states or as otherwise distorting the results in presidential elections because of its winner-take-all method of allocating votes in 48 states (Pomper 2001, 150).

This article presents a new method assessing the impact of swing voters within the winner-take-all method states use to allocate electoral votes. It seeks to show that such a system produces significant inequities in the voting power of citizens across states.

### **Presidential Elections and the Electoral College**

The Electoral College is perhaps one of the oddest institutions in American politics. For those who teach it to undergraduates, it is often the subject of significant confusion, leaving students to wonder why it exists.

The constitutional framers defended it as critical to producing “extraordinary persons” as presidents because they would be selected by “men most capable of analyzing the qualities adapted to the station” of the presidency (Madison 1937, 444). Others, such as Martin Diamond, have justified it as a constitutional system meant to protect individual and minority rights, or as a mechanism to overcome regionalism (Diamond 1959, 52). In Diamond’s view, it, along with the principles of separation of powers and checks and balances, was necessary to thwart the dangers of factionalism that a popular government posed. Others have noted that, with an Electoral College, recounts would not need to be done nationally, but only in specific jurisdictions where there were disputes (Posner 2001, 224-27).

Yet the Electoral College has also had its detractors. It has been criticized as anti-democratic, as denying individual liberty and the fundamental right to vote, and as no longer serving the purpose for which it was established (Glennon 1992). Following the 2000 presidential election—where George Bush lost the national popular vote to Al Gore but won the Electoral College vote—those criticisms intensified (Bugliosi, 2001; Dershowitz 2001).

Others maintain that the Electoral College serves to depress voter turnout (Keyssar 2006) or that it creates a system of wasted votes (Edwards 2004). Still others see the Electoral College as discouraging the formation and support of third parties (Durban 1992).

A further criticism of the Electoral College derives less from its constitutional design than from the practice of all states—except for Maine and Nebraska—to award all of their electoral votes to the presidential candidate receiving the plurality of the popular vote in their state (Greene, 2001, 25; Posner 2001, 239; Pomper 2001, 150). During the 2004 presidential election, voters in Colorado voted down a state ballot measure to amend their state constitution to award their state's electoral votes proportional to their popular-vote breakdown.

Others have noted how the Electoral College disproportionately weights the votes of smaller states relative to larger states (Banzhaf 1968). The disproportionate weighting occurs because each state's Electoral College votes are equal to the sum of its votes in the US House of Representatives and the US Senate. US House votes are apportioned on the basis of population, with each state guaranteed at least one representative, regardless of population. US Senate votes are not. Each state receives two US Senate votes, regardless of its population. California, the most populous state, with 37,253,956 residents according to the 2010 census, receives the same number of US Senate votes—two—as Wyoming, the least populous state, with 563,626 residents. As a result of the “plus-two” US Senate bonus, smaller states pack a slightly larger

Electoral College punch relative to their populations than do larger states.

More significant, though, is the effect of the winner-take-all allocation of each state's Electoral College votes. At present, the electoral votes in all but two states are allocated to each state's popular-vote winner. Such a winner-take-all allocation is not mandated by the US Constitution. The US Constitution provides that each state's electors shall be appointed in a manner to be determined by its legislature. The only stipulation is that a sitting member of Congress cannot also serve as an elector.

Because the US Constitution leaves the determination of how electors are appointed to the state legislatures, it is not surprising that they have all (with the exception of Maine and Nebraska) opted for a winner-take-all allocation. At the state level, such a course of action is a rational one. Allocating its electors on a winner-take-all basis boosts the likelihood that candidates will visit a state and pay attention to its concerns. If, for example, Oregon, with its relatively small population is shaping up as a swing state, a last-minute trip to the state might appear attractive. If it went well, it could have the effect of swinging the full complement of the state's Electoral College votes come election day. Candidates would be less likely to court the state's voters if the state's Electoral College votes were allocated on some other basis. The result is that every state, clamoring for national candidates' attention, ends up with a winner-take-all allocation.

While Mayhew (2010, 196-8) contends there is no partisan bias to the Electoral College, there is some evidence that it does distort election results. What is rational at the state level, though, can lead to distortions at the national level. The winner-take-all effect ensures that small swings in state-vote margins can disproportionately influence the national Electoral College count. In a close election, such swings can even determine the winner. The extreme case is the

2000 presidential election, where 537 popular votes in Florida represented the difference in awarding the state's then-25 Electoral College votes, and, ultimately, the election, for Bush over Gore. Four years later, in the presidential election of 2004, the margin of victory for Bush over Democrat John F. Kerry was the 119,000 votes in Ohio that swung the state's 20 Electoral College votes. In the presidential election of 1976, the margin of victory for Democrat Jimmy Carter over Republican Gerald Ford amounted to 175,000 votes in three states. Nearly half of Carter's 297-240 Electoral College vote margin over Ford was attributable to his winning Ohio. Carter won Ohio's then-25 Electoral College votes by a margin of 11,116 popular votes.

But what happened in the presidential election of 2000 left many uneasy with the Electoral College. In that election, as noted above, the margin of victory for Republican George W. Bush over Democrat Albert Gore was a mere 537 popular votes in Florida. Those votes—out of nearly six million cast in the state—swung the state's then-25 Electoral College votes to Bush, who defeated Gore by 271 to 267 in the Electoral College. For five weeks after the polls closed, the election's outcome was in doubt, as the Bush and Gore camps battled in the courts for the disputed Florida electors. It took the intervention of the US Supreme Court to settle the outcome of the election in Florida – and thus the nation. While the exceedingly narrow margin in Florida in 2000 was atypical, the phenomenon of some states' small margins of victory disproportionately influencing the election's outcome was not. The winner-take-all allocation of each state's Electoral College votes ensures that it will happen in every election. Under winner-take-all, some states' votes will count for more than others – in some cases, hundreds or even thousands of times more – in determining the outcome. It happens whether the election is a cliffhanger or a landslide. All that changes from one election to the next is its magnitude.

Since then there has been a movement started—the National Popular Vote Interstate

Compact—effectively to alter the Electoral College. This proposal, in lieu of a constitutional amendment, would require a state to allocate its electoral votes according to whomever is the winner in the national popular vote for president. The animus behind this proposal both is to make the popular vote more determinative in presidential elections, but also to address the other perceived distortions or problems associated with the institution, at least given the current winner-take-all system for allocating electoral votes.

### **A Statistical Analysis of the Inequities that follow from Winner-Take-All**

As noted, the winner-take-all method to allocate electoral votes distorts presidential elections. It is possible to quantify the magnitude of this distortion. The critical element is the swing votes—the votes that represented the margin of victory for the winning candidate. They are the votes that swung the state to the winning candidate. The other votes for each major-party candidate offset each other. The swing votes are the ones that are of interest.

The key is to determine what is the Electoral College's impact on each state's swing votes in an election. That is done here, for each state, by dividing the number of Electoral College votes at stake ( $N$ ) by the margin of victory for the winning candidate ( $M$ ). Thus, the swing voters impact can be expressed as  $S = N/M$ .

Invariably, the margin of victory dwarfs the number of Electoral College votes, and the fraction is tiny. For ease of interpretation, each state's fraction can be normalized with respect to the middle-ranking state for that election. The states can then be ranked, in order of their swing voters' Electoral College impact, for each election.

In the presidential election of 2008, the Democratic ticket of Senator Barack Obama and Senator Joseph Biden defeated the Republican ticket of Senator John McCain and Governor

Sarah Palin by a 365-173 Electoral College margin. Obama/Biden won 28 states (and the District of Columbia) to 22 states for McCain/Palin. The popular-vote tally was 69.5 million votes for Obama/Biden to 59.9 million votes for McCain/Palin. Every state but two allocated its Electoral College votes on a winner-take-all basis. The remaining two states, Maine and Nebraska, allocated their Electoral College votes by congressional district.

The state with the smallest popular-vote margin relative to the number of Electoral College votes at-stake was Missouri. Its eleven Electoral College went for McCain/Palin by a margin of 3,903 popular votes. Those swing votes—representing the margin of victory for one ticket over the other—are the key. Dividing the number of Electoral College votes at-stake by the popular-vote margin ( $11/3,903$ ) yields the Electoral College impact of each swing vote in that state. In Missouri, it came to 0.0028. That is how many Electoral College votes corresponded to each swing vote in Missouri. The number is small because each state has many more popular votes than Electoral College votes. Relatively speaking, though, Missouri's Electoral-College-votes-per-swing-vote ratio was larger than that of any other state.

The full-slate of state-by-state results for the 2008 presidential election is presented in Table 1. The states are ranked by the Electoral College impact of a swing vote in each state, with the results normalized relative to the median state. Kansas was the median state for the 2008 election. Its six Electoral College votes went for McCain/Palin by a margin of 184,890 popular votes. Dividing the Electoral College votes at stake in Kansas by the state's popular-vote margin yields the result of 0.000032 Electoral College votes per swing vote in Kansas. That result was normalized to 1.0 for purposes of comparison with the other states. The same calculations were performed for the other states (except for Maine and Nebraska) plus the District of Columbia, with the results expressed relative to the normalized value for Kansas.



**Table 1: Relative Electoral College Impact of a Swing Vote, 2008 Presidential Election  
(relative to median state: Kansas)**

Rank	State	Relative Electoral College Impact
1	Missouri	86.85
2	North Carolina	32.60
3	Indiana	11.94
4	Montana	8.33
5	Florida	3.52
6	North Dakota	3.38
7	South Dakota	2.88
8	Ohio	2.35
9	Georgia	2.26
10	New Hampshire	1.80
11	Virginia	1.71
12	West Virginia	1.65
13	Arizona	1.58
14	Iowa	1.47
15	South Carolina	1.43
16	Alaska	1.32
17	Colorado	1.29
18	Nevada	1.27
19	New Mexico	1.23
20	Wyoming	1.13
21	Texas	1.10
22	Mississippi	1.09
23	Pennsylvania	1.04
24	Minnesota	1.03
25	Kansas	1.00 (median)
26	Rhode Island	0.94
27	Delaware	0.90
28	Tennessee	0.87
29	Arkansas	0.86
30	Kentucky	0.83
31	Vermont	0.77
32	New Jersey	0.77
33	Louisiana	0.76
34	Wisconsin	0.74
35	Idaho	0.74
36	Oregon	0.72
37	Washington	0.65
38	Michigan	0.64
39	Alabama	0.61
40	Hawaii	0.60
41	Connecticut	0.59
42	Utah	0.57
43	California	0.52
44	Oklahoma	0.47
45	Illinois	0.47
46	Massachusetts	0.46
47	Maryland	0.46
48	New York	0.43
49	District of Columbia	0.40
N/A	Maine	N/A
N/A	Nebraska	N/A

The differences between states shown in Table 1 are sizeable. Missouri tops the list for the 2008 election as the state where the Electoral College impact of a swing vote was the largest. A swing vote in Missouri carried 86.85 times the Electoral College impact of one in Kansas, the median state. Statistically speaking, the Electoral College impact of each swing vote in Missouri (0.0028) was 86.85 times the Electoral College impact of each swing vote in Kansas (0.000032). At the other end of the list was the District of Columbia. The District's three Electoral College votes went for Obama/Biden by a popular-vote margin of 228,433. Dividing the Electoral College votes at stake in the District by its popular-vote margin obtains the result of 0.000013 Electoral College votes per swing vote there. That figure for the District equated to 0.40 of the figure for Kansas (0.000032). A swing vote in the District carried two-fifths the Electoral College impact of a swing vote in Kansas.

The two battleground states of Florida and Ohio were near the top of the list. Obama/Biden won Florida's 27 Electoral College votes by a margin of 236,450 popular votes. Ohio's 20 Electoral College votes also went to Obama/Biden, by a margin of 262,224 popular votes. A swing-vote in Florida had 3.52 times the Electoral College impact of one in Kansas; one in Ohio had 2.35 times the impact. Florida was decisive in the victory of the Republican Bush/Cheney ticket over the Democratic Gore/Lieberman ticket in 2000. Four years later, Ohio provided the margin of victory in the re-election of the Bush/Cheney ticket against the Democratic ticket of Kerry/Edwards. Those two states received disproportionate attention in terms of candidate time and advertising resources during the 2008 campaign.

California and New York, the first and third most-populous states, were near the bottom of the list. California's 55 Electoral College votes went for Obama/Biden by a margin of 3,262,692 popular votes. New York awarded its 31 Electoral College votes to Obama/Biden by a

popular-vote margin of 2,227,009 votes. A swing vote in California had 0.52 times the Electoral College impact of one in Kansas; one in New York had 0.43 times the impact. The election's outcome in both states was treated as almost a foregone conclusion, and they received hardly any attention from the candidates other than for fund-raising purposes. The outcome was relatively closer in Texas, the second-most-populous state. Texas awarded its 34 Electoral College votes to McCain/Palin by a popular-vote margin of 950,695. A swing-vote in Texas carried 1.10 times the impact of one in Kansas.

The results for Florida and Ohio relative to those in California and New York underscore how the winner-take-all allocation of states' Electoral College votes serves to underweight – or under-enfranchise – votes from the large-margin states. Swing votes from the large-margin states carry a smaller impact on the election's outcome than those from the small-margin states. From a strategy standpoint, the candidates are well-advised to direct their resources toward any of the small-margin states, where a last-minute campaign swing could make the difference in moving enough votes to swing the full complement of the state's Electoral College votes, and avoid any of the large-margin states, where upwards of a million or more votes would have to be swung to affect the statewide outcome. That was what happened in 2008, as the Obama/Biden and McCain/Palin tickets both aggressively targeted Florida and Ohio and largely avoided California and New York.

Maine and Nebraska were two special-cases. They were both listed at the bottom of the table, and no Electoral College impact calculation was reported for either one. That was because neither allocates its Electoral College votes on a winner-take-all basis. Rather, both award their Electoral College votes by congressional district, with the plus-two bonus going to the statewide popular-vote winner. Maine has done so since 1972 and Nebraska has since 1996. Previously,

both states had allocated their Electoral College votes on a winner-take-all basis, like all the other states. In the 2008 election, Maine's four Electoral College votes were awarded to Obama/Biden. Obama/Biden won both of the state's House districts and, hence, the statewide popular vote. Nebraska's five Electoral College were split, four for McCain/Palin and one for Obama/Biden. The one that went for Obama/Biden was from the state's Second Congressional District. That district has recently tended to be the most liberal of the state's three districts. It was the first time that Nebraska had split its Electoral College votes (and the first time a Democratic ticket had won an Electoral College vote in the state since 1964). Maine has never split its Electoral College votes (and has awarded its votes to the Democratic ticket in every election from 1992 on). Both Maine and Nebraska are relatively homogeneous states, which explain why they have seldom split their Electoral College votes.

Comparing the first-place and last-place states from the 2008 election, a swing vote in Missouri had 215 times the impact of one in the District of Columbia. But the 2008 election was not the only one to demonstrate this distortion. In 2004 Bush defeated Kerry by a 286-252 electoral-vote margin, and by 3.5 million popular votes. Table 2 presents the state-by-state Electoral College swing-vote impact rankings. The results are normalized with respect to that election's middle-ranking state, Alaska (AK).

**Table 2: Relative Electoral College Impact of a Swing Vote, 2004 Presidential Election  
(relative to median state: Alaska)**

Rank	State	Relative Electoral College Impact
1	Wisconsin	18.57
2	New Mexico	13.34
3	Iowa	11.38
4	New Hampshire	9.57
5	Nevada	5.09
6	Pennsylvania	3.61
7	Ohio	3.21
8	Hawaii	2.36
9	Delaware	2.32
10	Oregon	2.28
11	Michigan	2.25
12	Minnesota	2.23
13	Colorado	1.84
14	Florida	1.55
15	New Jersey	1.55
16	Washington	1.38
17	Arkansas	1.28
18	Arizona	1.27
19	Missouri	1.21
20	California	1.18
21	West Virginia	1.14
22	Virginia	1.07
23	Vermont	1.05
24	Rhode Island	1.02
25	Alaska	1.00 (median)
26	Connecticut	0.96
27	Illinois	0.90
28	Maryland	0.81
29	South Dakota	0.79
30	North Dakota	0.77
31	North Carolina	0.77
32	Montana	0.71
33	Louisiana	0.70
34	Tennessee	0.69
35	Wyoming	0.68
36	South Carolina	0.64
37	Georgia	0.60
38	Mississippi	0.58
39	New York	0.57
40	Kentucky	0.49
41	Indiana	0.47
42	Kansas	0.44
43	Texas	0.44
44	Alabama	0.41
45	District of Columbia	0.40
46	Idaho	0.39
47	Massachusetts	0.36
48	Oklahoma	0.34
49	Utah	0.28
N/A	Maine	N/A
N/A	Nebraska	N/A

Topping the list of states for the 2004 election was Wisconsin (WI). Its 10 Electoral College votes were won by Kerry by a margin of 11,813 popular votes. Its popular-vote margin was smaller than that of any other state, relative to the number of Electoral College votes at stake. (Only New Mexico [NM] and New Hampshire [NH] had smaller popular-vote margins, and they both carried fewer Electoral College votes.) Alaska (AK) was the median state. Bush won its three Electoral College votes by a margin of 65,812 popular votes. At the bottom of the list was Utah (UT). It gave Bush its five Electoral College votes by a margin of 385,337 popular votes. Note the contrast between the top-ranking state and the bottom-ranking state. The popular-vote margin in Utah was over 30 times larger than that in Wisconsin, yet it swung only half as many Electoral College votes.

As the table shows, each swing vote in Wisconsin carried 18.57 times the Electoral College impact of a swing vote in Alaska. Each swing vote in Utah carried 0.28 times the Electoral College impact of a swing vote in Alaska. Wisconsin's swing votes, then, packed 65 times the punch of Utah's swing votes.

Next, look at the 2000 presidential election. Bush won the electoral vote by 271 to 267 for Gore, while losing the popular vote by 500,000 votes. Results for the presidential election of 2000 are presented in Table 3.

**Table 3: Relative Electoral College Impact of a Swing Vote, 2000 Presidential Election  
(relative to median state: California)**

Rank	State	Relative Electoral College Impact
1	Florida	1,115.40
2	New Mexico	327.31
3	Wisconsin	46.17
4	Iowa	40.47
5	Oregon	24.79
6	New Hampshire	13.29
7	Nevada	4.44
8	Minnesota	4.09
9	Missouri	3.35
10	Tennessee	3.28
11	Ohio	3.05
12	West Virginia	2.92
13	Pennsylvania	2.87
14	Arkansas	2.69
15	Vermont	2.46
16	Arizona	1.99
17	Michigan	1.98
18	Washington	1.90
19	Delaware	1.68
20	Louisiana	1.59
21	Hawaii	1.42
22	Virginia	1.41
23	Colorado	1.32
24	Georgia	1.03
25	California	1.00 (median)
26	South Dakota	1.00
27	Mississippi	1.00
28	Illinois	0.93
29	North Dakota	0.90
30	North Carolina	0.90
31	South Carolina	0.87
32	Alabama	0.87
33	Indiana	0.84
34	Wyoming	0.82
35	Kentucky	0.82
36	Alaska	0.81
37	Rhode Island	0.81
38	Connecticut	0.75
39	Maryland	0.73
40	New Jersey	0.71
41	Oklahoma	0.71
42	Montana	0.70
43	Kansas	0.64
44	Texas	0.56
45	Idaho	0.48
46	District of Columbia	0.47
47	New York	0.46
48	Massachusetts	0.39
49	Utah	0.38
N/A	Maine	N/A
N/A	Nebraska	N/A



A swing vote in Florida carried over one thousand times the Electoral College impact of a swing vote in California. A California swing vote, in turn, carried nearly three times the Electoral College impact of a Utah swing vote. Again, the explanation has to do with the winner-take-all allocation of each state's electors. To the victor goes the spoils—no matter how small the margin of victory. The Florida-Utah comparison shows how large the disparity can be. In the case of a large state with a razor-tight margin versus a small state with a runaway victor, it can be huge. In Utah, one-fifth as many Electoral College votes were at stake as in Florida, yet Utah's popular-vote margin was almost 600 times that of Florida's. Each of Florida's swing votes, then, carried nearly 3,000 times the Electoral College impact of a Utah swing vote. It was a close election to begin with. The winner-take-all allocation of each state's electors magnified just how close it was.

The patterns demonstrated in the 2008, 2004, and 2000 elections are not unique. Table 4 uses the same methodology to compute Electoral College voting ratios back to 1960. The 1960 election was the first with the Electoral College at its current figure of 538 electors, after Alaska and Hawaii joined the union.

**Table 4: Ratio of Top- to Bottom-Ranked States, by Election, 1960-2008**

<b>Election</b>	<b>Top-Ranked State</b>	<b>Bottom-Ranked State</b>	<b>Electoral College Impact Ratio</b>
<b>1960</b>	<b>Hawaii</b>	<b>Massachusetts</b>	<b>832</b>
<b>1964</b>	<b>Arizona</b>	<b>Rhode Island</b>	<b>63</b>
<b>1968</b>	<b>Arkansas</b>	<b>Massachusetts</b>	<b>71</b>
<b>1972</b>	<b>Minnesota</b>	<b>Florida</b>	<b>7</b>
<b>1976</b>	<b>Ohio</b>	<b>Utah</b>	<b>88</b>
<b>1980</b>	<b>Massachusetts</b>	<b>Utah</b>	<b>288</b>
<b>1984</b>	<b>Minnesota</b>	<b>Utah</b>	<b>209</b>
<b>1988</b>	<b>Vermont</b>	<b>Florida</b>	<b>16</b>
<b>1992</b>	<b>Georgia</b>	<b>District of Columbia</b>	<b>54</b>
<b>1996</b>	<b>Nevada</b>	<b>Massachusetts</b>	<b>59</b>
<b>2000</b>	<b>Florida</b>	<b>Utah</b>	<b>2,905</b>
<b>2004</b>	<b>Wisconsin</b>	<b>Utah</b>	<b>65</b>
<b>2008</b>	<b>Missouri</b>	<b>District of Columbia</b>	<b>215</b>

Table 4 shows that the 2008 election wasn't unusual in terms of the distortions induced by the winner-take-all allocation of states' Electoral College votes. At the top of the list is the 2000 election, due to the razor-thin margin for the Republican Bush/Cheney ticket over the Democratic Gore/Lieberman ticket in Florida. In 2000, the Bush/Cheney ticket won Florida by a mere 537 popular votes. That popular-vote margin swung the state's full complement of 25 Electoral College votes – and the election – to the Republican ticket. Florida was the state with the largest Electoral College impact of a swing vote in 2000. Utah was the state with the smallest. Utah's five Electoral College votes went for Bush/Cheney by a margin of 312,043 popular votes. Comparing the two states, a swing vote in Florida carried 2,905 times the Electoral College impact of a swing vote in Utah.

After 2000, it was the elections of 1960, 1980, and 2008 with the next-largest Electoral College distortions. For each election, the Electoral College impact of a swing vote in the highest-ranked state was more than 200 times that of a swing vote in the lowest-ranked state. The elections of 1960 and 2000 were cliffhangers. The elections of 1980 and 2008 were not. Whether the election was close or not did not matter – every election saw significant distortions due to the winner-take-all allocation of states' Electoral College votes.

What mattered was not whether the election was close or not. Rather, what mattered was how evenly the winning ticket's margin-of-victory was distributed across the 50 states. The more evenly distributed the margin-of-victory, the smaller the Electoral College distortions. For the hypothetical case of a perfectly evenly distributed margin-of-victory across all 50 states, there would be no distortions. The Electoral College impact of a swing vote would be the same for every state. Deviations from that hypothetical case result in distortions because of the winner-take-all allocation of states' Electoral College votes. Because no election outcome is evenly

distributed across all the states, there will always be distortions. This means that the more uneven the election outcome, the greater the distortions that result. Often, the distortions are sizeable. On rare cases, such as in 2000, they can even seem to have the effect of swinging the presidency.

## **Conclusion**

The winner-take-all allocation of states' Electoral College votes is not mandated by the Constitution. Nor was it envisioned by the Constitution's framers. In practice, it leads to distortions every time a presidential election is held. These distortions undermine the public's faith in democracy. A case can be made that they may run afoul of the constitutional principle of "one-person, one-vote". When a vote for president in one state carries 215 times the impact on the final Electoral College tally of a vote for president in another state, and that is a routine outcome for a presidential election, the principle of "one-person, one-vote" is undermined. What all this suggests is that voters in some states, because of the winner-take-all method of allocating electoral votes, have significantly more influence in an election than do those in other states. This distortion thus affects not only presidential candidate campaign choices, but also the relative influence of specific voters and states.

As America prepares again in 2012 to select a president, the distortion described in this article will again occur, yet again impacting the race and the influence of voters across the country.

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