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## Introduction

With the upcoming Presidential election on November 5, 2024, discussions about election format are bound to resurface. Why do we have the Electoral College instead of a national popular vote? Wouldn't the latter more directly reflect the *Will of the People*? This debate took off in 2016 after Donald Trump won the presidency via the Electoral College even though Hillary Clinton received more popular votes. It escalated to the point where Representative Charles Rangel (D, NY) submitted H. J. RES. 103 that would, "abolish the Electoral College and to provide for the direct popular election of the President and Vice President of the United States."<sup>1</sup> (Krieg, 2016).

In this light, we consider a national popular vote as an alternative to the Electoral College, critiquing some arguments made by others and offering some fresh perspectives. Our purpose is not to advocate for one voting system over another. Rather, we seek to stimulate a thoughtful debate based on logical reasoning (as opposed to emotional reactions to lost elections).

### *The Will of the People?*

What constitutes the *Will of the People*? Politicians and pundits often equate this to popular vote totals. But ascertaining the *Will of the People* is quite complex. It requires somehow aggregating the preferences of individuals into a single notion of collective will. It is not some well-defined notion just waiting to be revealed by an election. In fact, three quarters of a century ago, Nobel Laureate Kenneth Arrow showed that such aggregation is "impossible." Although complex in derivation, the takeaway from Arrow's theorem is easily understood: no voting system is perfect.

Arrow's approach was to first specify a set of criteria that a reasonable voting system demonstrated that *no* voting system could simultaneously satisfy all of his criteria. For example, plurality voting (in which voters cast votes over multiple options and the one getting the most votes is chosen) would seem to be a very reasonable and fair process – but it violates Arrow's criterion of *independence of irrelevant alternatives*. That is, the inclusion of a candidate in an election that never has a chance of winning (i.e., an irrelevant alternative), can change the outcome of the election – a phenomenon sometimes called the spoiler effect.

Consider a simple, generic example of a race between three candidates: a Democrat (D) an Independent (I), and a Republican (R). Three types of voters participate – their preferences and their proportion of the electorate are as follows:

the state and won the election.<sup>2</sup> Donald Trump could have carried Arizona and Georgia in 2020 (and won the election) if Libertarian Jo Jorgensen had not been on the ballot in those states.<sup>3</sup>

For the voter preferences in the above table, which candidate truly represents the *Will of the People*? As we saw, with all three options, the Republican candidate is the plurality winner. However, given a choice between only the Democrat or the Republican, the Democrat is supported by a majority. Moreover, the Independent could be considered more of a consensus pick since the Independent is not ranked last by any of the voters. The answer is that there is no “right” or “obvious” answer to the question of which candidate *should* be chosen.

Possessing a basic understanding of these types of results leads to aoveon (n, till od(d)-14 (at)-6 (e )]

by Trump. Surely, the American people would see this massive disparity and insist that

plurality, the state's bad behavior would be farther reaching by directly inflating the popular vote without bound, giving the cheating state more influence over the outcome than honest states.

Second, localization becomes more important when recounts are necessary. If there were a call for a recount under a national popular vote, we would have to undergo a costly, lengthy, nationwide recount because every vote counts towards the total. Under the Electoral College, recounts are not necessary in states with a wide margin of victory and while statewide recounts are expensive, they are far less expensive than a national recount.

Finally, recent events point to a third benefit of the Electoral College. On December 19, 2022, Colorado's Supreme Court disqualified Trump from being on the state presidential ballot (an action later reversed by the U.S. Supreme Court). Such state influence would cause a drastic shift in a popular election as Trump would receive zero popular votes from Colorado (excepting potential write-in votes), a tremendous advantage for his opponent in the popular vote total.

Looking at the results of the 2016 election, nationwide, Clinton got 2,868,686 more votes than Trump, a difference that is considerably less than the 4,504,975 votes that Clinton got in Florida and the 3,877,868 votes that Clinton got in Texas (two states that Trump won). If Trump operatives could have kept Clinton off the ballot in either of these states, the nationwide popular vote could have easily swung in his favor. As with ballot box "stuffing," the apparent effects of removing a candidate in a single