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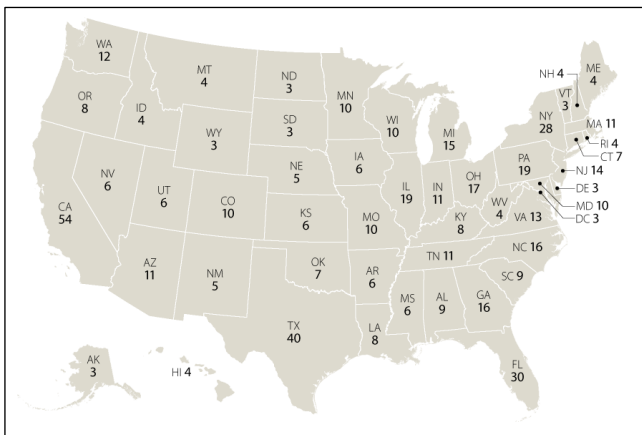
Electoral College Overview

When Americans vote for President in the general election, they select electors who will choose the nation’s chief executive. Voters thus play an important role in electing the President, but a second step is required to finalize that choice. The U.S. Constitution places responsibility for the second step in a body known as the *electoral college*. This In Focus highlights key aspects and recent policy developments.

What Is the Electoral College?

The electoral college is the group of individuals, *electors*, who choose the President and Vice President. Under Article II, Section 1 of the Constitution, states receive the same number of electors as their number of Representatives and Senators. The Twenty-Third Amendment to the Constitution grants the District of Columbia (DC) the same number of electors it would have if it were a state, but not more than the least populous state. As such, the District casts three electoral votes. U.S. territories do not participate in the electoral college and thus their voters do not cast votes in the general presidential election. The electoral college does not meet as a single body; electors cast votes in their respective states. To win the presidency, a candidate must secure 270 electoral votes—a majority of 538 possible votes. **Figure 1** shows the 2024 allocation of electoral votes.

Figure 1. 2024 Electoral Vote Allocation



Source: CRS figure based on NARA data, <https://www.archives.gov/electoral-college/allocation>.

Framers’ Justification

In *Federalist 68*, Alexander Hamilton identified two justifications for a presidential-election process that involved both the popular vote and the electoral college. First, he wrote, “the sense of the people should operate in the choice of the person to whom so important a trust was to be confided” as the presidency. Second, “[i]t was equally desirable that the immediate election should be made by men most capable of” an informed decision that was best

for the country. Separating the electoral college from the popular vote—and the electors from each other by avoiding a single college meeting—also, Hamilton wrote, helped guard against popular passions and selection of a conflicted chief executive.

Electoral Qualifications

Under the Constitution (Art. II, §1), states appoint their electors “in such Manner as the Legislature thereof may direct.” The Constitution prohibits Members of Congress or those “holding an Office of Trust or Profit under the United States” from serving as electors (Art. II, §1). In addition, the Fourteenth Amendment (§3) prohibits those who, among other criteria, have “engaged in an insurrection or rebellion,” unless a two-thirds vote of each chamber of Congress “remove[s] such disability.”

Popular Votes and Electoral Votes

The results from the general election constitute the *popular vote*. In some states, electors’ names appear on the ballot. In most cases, the ballot only lists the names of the presidential and vice-presidential candidates. In either case, when voters cast ballots for presidential candidates or for their electors, they are indicating their preference for the electoral college.

Forty-eight of the 50 states and DC award all of their electoral college votes to the winner of the popular vote in that state. This method of allocating electors is known as the *general ticket* or *winner-take-all* system. Unlike the rest of the country, Maine and Nebraska award electoral votes both based on results within congressional districts and statewide. Under these methods, which combine district and statewide votes, the presidential ticket with the most popular votes statewide receives two electoral votes. In addition, the ticket receiving the most votes in each congressional district receives one electoral vote for that district. In 2020, Maine and Nebraska both split their electoral votes.

Other Provisions Related to the Electoral College

In addition to the constitutional provisions discussed above, two constitutional amendments address *contingent elections*, in which no candidate receives an electoral college majority. Among other provisions, the Twelfth Amendment specifies procedures that the House or Senate would follow in choosing a President or Vice President, respectively. A provision of the Twentieth Amendment sets the dates of current presidential and congressional terms, thus clarifying that a newly elected Congress would decide a contingent election.

Congress has also enacted and amended provisions in Title 3 of the *U.S. Code* that implement the electoral college process. States and the District of Columbia also have enacted their own statutes, which are beyond the scope of

this In Focus, that specify how their governments must comply with federal constitutional and statutory requirements.

At the federal level, Congress enacted the most recent statutory change in December 2022 as part of the FY2023 Consolidated Appropriations Act (P.L. 117-328, Division P, Title I). The Electoral Count Reform Act (ECRA) amends the 1887 Electoral Count Act. Collectively, these provisions specify how Congress and, in some cases, the states and DC, implement their electoral college roles. Among other provisions, the ECRA amended the date the electors meet in the states and DC. The amendments also clarified procedures for states to submit *certificates of ascertainment* listing final vote tallies, and specified roles of governors or secretaries of state in issuing the certificates. The ECRA did not alter the *safe harbor* date—six days before the electors meet—by which state results are considered conclusive if those results were determined under state law established before the election. The amendments also specify procedures for judicial review, and address the congressional and vice-presidential roles in counting electoral votes.

Selected dates appear in **Table 1** below.

Table 1. Selected Key Dates in Presidential Elections

Event	Date	Authority
General election to appoint electors (popular vote)	Next Tuesday after first Monday in November of quadrennial election year (11/05/2024)	3 U.S.C. §1; 3 U.S.C. §21
Safe harbor deadline for states to finalize results via certificates of ascertainment appointing electors	No later than six days before electors meeting (12/11/2024)	3 U.S.C. §5
Electors meet in the states and DC	First Tuesday after second Wednesday in December of election year (12/17/2024)	3 U.S.C. §7
Congress meets to count electoral college results	January 6 following election year (01/06/2025)	3 U.S.C. §15
Inauguration	January 20 following election year (01/20/2025)	U.S. Const., Amdt. XX, §1

Sources: CRS analysis of statutory provisions; and National Archives and Records Administration, “Key Dates and Events for State Officials and Points of Contact,”

<https://www.archives.gov/files/electoral-college/state-officials/state-officials-key-dates.pdf>.

Nominating Elector Candidates

As noted above, states may appoint electors consistent with the Constitution and state law. In practice, political parties play a major role in selecting elector candidates from among their state or local officeholders or volunteers. As the National Archives and Records Administration (NARA) has explained, “[p]olitical parties often choose individuals for the slate to recognize their service and dedication to that political party.” Presidential campaigns work with state parties to ensure that elector candidates are loyal to that presidential campaign. Often, they include current or former state officeholders, party officials, or prominent citizens.

“Faithless” Electors

Political parties select elector candidates with the expectation that those electors will support the party’s presidential nominee. However, the Constitution and federal law do not address whether electors’ votes are bound to particular state-level or party loyalties. Some state laws require electors to vote consistently with the state’s popular vote. In its 2020 decision in *Chiafalo v. Washington*, the U.S. Supreme Court unanimously upheld a Washington State law that imposed a fine on “faithless electors” who vote contrary to the state’s popular vote. Faithless votes have never altered a presidential or vice-presidential election result. Electors most recently cast votes at odds with their pledged support in 2016.

Options for Changing the Electoral College

A constitutional amendment would be required to alter the process specified in the Constitution. In the 118th Congress, H.J.Res 23 proposes a constitutional amendment to, among other provisions, amend the current process to provide for 12 at-large electors who would cast votes based on the national popular vote. In the 117th Congress, S.J.Res. 69 proposed to replace the electoral college with a national popular vote. Congress could amend federal law implementing electoral college provisions, such as the ECRA discussed above, through legislation.

The states also could affect the electoral college result through their elector-appointment processes. Perhaps most prominently, the National Popular Vote (NPV) initiative proposes an interstate compact that would effectively achieve direct popular election of the President and Vice President without a constitutional amendment. Under this approach, each state that joins the compact agrees to appoint electors consistent with the national popular vote, even if the popular vote differed in their state. Member state legislatures would then appoint the slate of electors pledged to the national popular vote winner. Importantly, the compact would come into effect only if enough states participated to achieve an electoral college majority. As of May 2024, according to the National Conference of State Legislatures, 17 states and the District of Columbia agreed to participate in an NPV compact. However, those jurisdictions account for only 209 electoral votes, 61 short of the required 270 majority. It is uncertain whether or how such a compact would be implemented if attempted.

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