

Preface

In 2000, George W. Bush became the first presidential candidate since 1888 to win a majority of the electoral college vote while losing the popular vote. Certainly, there were some who regretted this outcome and called for reform or abolition of the electoral college, but much of this criticism was muted by the even greater focus on our election machinery. Hanging chads, the butterfly ballot, recount procedures, and overseas ballots became the subjects of immediate concern in the two campaigns and for the population at large. Both that electoral college result and the thirty-six days of election contest that followed the vote illustrate the chief utility of this book. To put it simply, there is a lot that goes on “after the people vote” in November and before inauguration day, including recounts, the casting of votes by the electoral college, and the counting of those votes in Congress. And, despite the practical education we received in 2000, Americans know too little about these matters. This book serves as a handbook for students, the press, and the general public on how the electoral college and other postelection processes work.

This is the third edition of *After the People Vote*. The first edition was published after the 1980 election, when the third-party candidacy of John Anderson raised, but did not ultimately fulfill, the possibility of a three-way split with no majority in the electoral college. Walter Berns edited the volume, which included contributions from other political scientists associated with the American Enterprise Institute (AEI). That first edition was organized to allow a reader to follow the timeline of each election from the election day in November to inauguration day on January 20. Its shelf life was a decade, as the volume was keyed specifically to the election dates of 1984 and 1988, and because reapportionment at the end of each decade alters the distribution of electoral votes. The second edition,

also edited by Berns, followed the same format, provided a timeline for the elections of 1992, 1996, and 2000, and included additional essays by Norman Ornstein on three disputed elections and by Martin Diamond in defense of the electoral college.

No matter how the 2000 election had turned out, a third edition would have been necessary due to the end-of-decade reapportionment and the need to update the timeline for the elections of 2004 and 2008. But, of course, the extraordinary election we held in 2000 demands some analysis as well. In this edition, references to particular subjects—such as the meeting of the electoral college—have been updated to include illustrative material from the 2000 election, as well as the 1992 and 1996 elections, when there were questions raised as to how the functioning of the electoral college would be affected by third-party candidate Ross Perot's strong showing. Besides providing new examples for this edition, the 2000 election also raised issues that were not properly appreciated previously, such as the consistency of state recount procedures and the importance of states certifying their election results by a date before the electors cast their votes. These issues are discussed throughout the section on how the electoral college works.

I have written an essay on the 2000 election controversy that complements Norman Ornstein's essay on three earlier controversial elections. Regrettably, Martin Diamond's essay defending the electoral college could not be included in its entirety in this edition. Diamond's essay is in many ways a timeless classic, but it is also time-bound, as its specific aim was to respond to a 1967 American Bar Association report that favored the abolition of the electoral college. Instead of the entire Diamond essay, there are now pieces arguing for and against the electoral college. The previous editor of this volume, Walter Berns, has written in its defense. While he and the current editor of *After the People Vote* are supporters of the electoral college, this volume breaks new ground by including an essay by two of its most thoughtful opponents, Akhil and Vikram Amar. The Amars' essay raises a number of questions about the origins of the electoral college and its workings today. Finally, I have selected two excerpts from Martin Diamond's essay that address many of the points made by the Amars. These pieces will provide fair-minded readers with an opportunity to weigh the best arguments for and against the electoral college.