



US Elections 101: The Electoral College Explained

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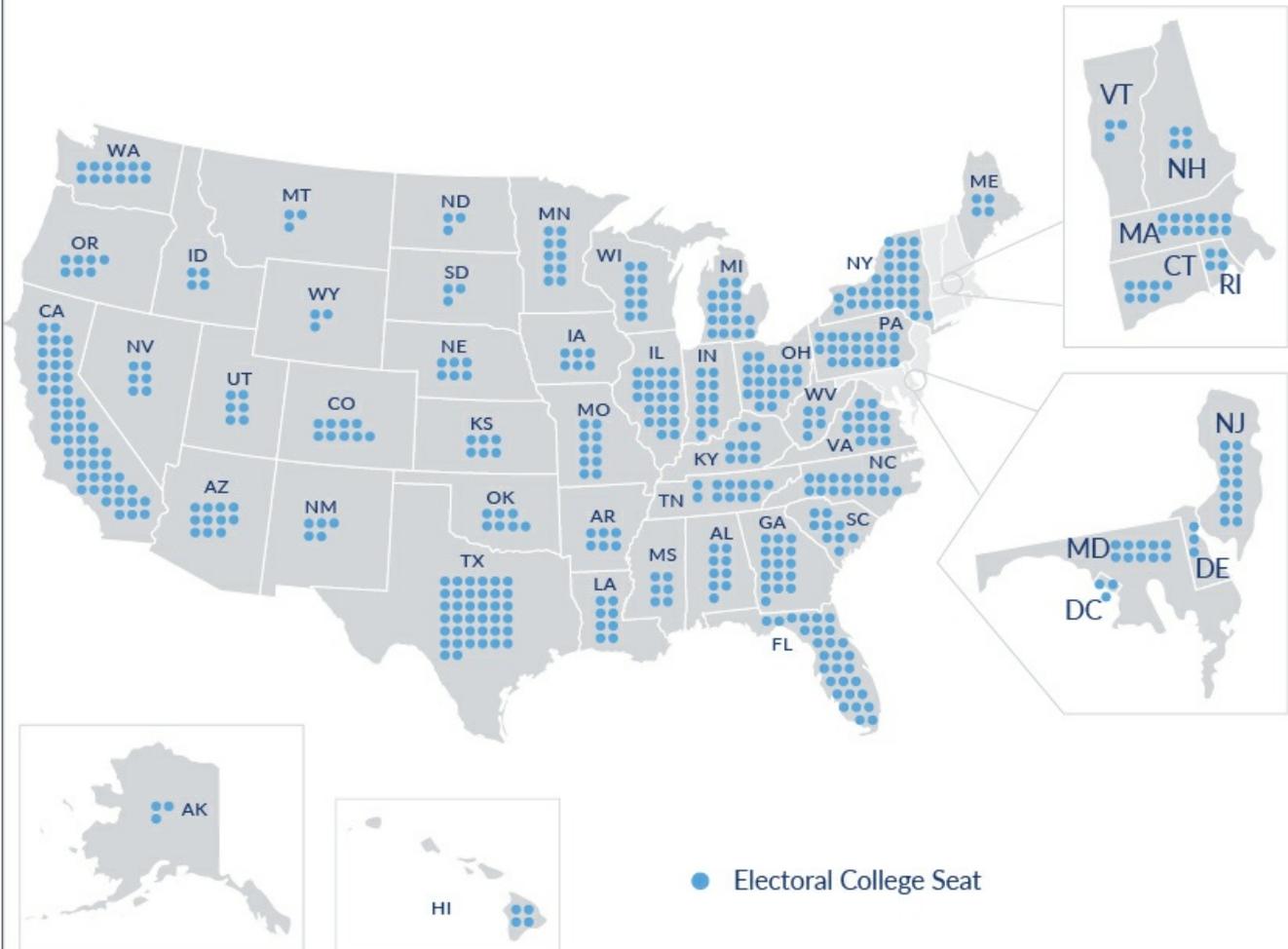
2020 has not been an ordinary year. There has been a lot of uncertainty about the outcome of the upcoming US presidential election, especially in the midst of a pandemic. Whatever the outcome is, the process will remain intact. The rules governing the Electoral College are encoded in federal law and cannot be changed. Here's a refresher on the Electoral College and how the president and vice president are chosen.

How is the president elected?

The offices of the president and vice president are determined by the vote of the Electoral College. To win their respective offices, the president and vice president must win an absolute majority of the vote in the Electoral College. The Electoral College has a total of 538 electors, so a majority requires at least 270 votes.

The Electoral College

Each state is allocated a set of electors, which is the sum of the number of seats in the House of Representatives and the seats in the Senate (always 2) for that state. In total, there are 538 electors in the Electoral College.



- Electoral votes in Washington, D.C., are based on population but cannot be larger than the electoral votes of the smallest state. Thus, D.C. gets 3 electoral votes.
- US territories are not entitled to any electoral votes.

Infographic created by Loomis Sayles incorporating data from the United States Census Bureau.



How are the electors chosen?

When you vote for a presidential candidate, in reality, you are voting for a set of electors to the Electoral

College. Each state determines how its electors are selected.

First Past the Post/Winner Take All Method	Spread the Vote Around Method
48 States and DC	2 States (Nebraska and Maine)
The candidate that gets the most votes (not necessarily a majority) takes all of the electors.	The candidate that gets the most votes gets two electors. The rest are allocated based on the plurality of votes in each congressional district.

We won't know which slate of electors has been chosen until the entire popular vote has been counted. That is a complicated issue in the midst of the COVID-19 pandemic. Millions of people have chosen to vote by mail this year for personal safety. The government needs to wait for all of the mail-in votes to be delivered, which may be days after Election Day, and each mail-in ballot must be examined to make sure it was filled out correctly. It may take longer to know the winners of states that are closely divided on the candidates, which would mean that it could be a while before officials can confidently declare the winner of the election. An extended period of uncertainty could be a strain on people and could add a period of greater volatility to financial markets.

When does the Electoral College vote happen?

The popular vote is cast on the first Tuesday after the first Monday of November, as determined by federal law. This year, it is November 3.

State electors meet in their respective state capitals on the first Monday after the second Wednesday of December to cast their votes, and again, the date is set by federal law. This year, it is December 14. Electors are typically pledged to vote for the winning candidate. The Electoral College never meets as a body; it is not a deliberative institution.

The votes cast by all of the electors are counted by Congress. The votes are tabulated in the first week of January (typically January 6) before a joint meeting of the newly elected and installed Senate and House, presided over by the vice president acting as the president of the Senate.

What if no one earns a majority of the electoral vote?

It's unlikely but possible that no candidate earns a majority of the electoral vote. That could happen in the event of a tie or if there are more than two parties that have earned electors but no candidate gets an absolute majority of the vote. In those cases, the House of Representatives enters a presidential election session, where one vote is assigned to each of the 50 states excluding Washington, D.C. The House, then, determines which of the candidates will be the president. The Senate determines which of the candidates will be the vice president, with each senator casting one vote.

If there is no resolution to the election of the new president, the Speaker of the House becomes acting president until the issue is resolved.

Faithless Electors

There is an ongoing legal debate about whether electors are legally required to vote as they pledged. The issue has come up because of the "faithless electors," who cast their vote contrary to their pledge. Thirty-two states and Washington, D.C., have laws against faithless electors. The issue became more pressing in 2016 when 10 electors voted or attempted to vote contrary to their pledge. The Supreme Court has addressed the debate and ruled that state legislatures may, if they wish, bind their electors.

The House of Representatives has chosen the president and vice president twice in US history, in **1801** and **1825**.

When does the presidential term of office expire?

As determined by the Constitution, the presidential term of office will expire on January 20. That cannot be changed by Congress or the president. On that day, the winner of the election—as determined by the vote of the Electoral College that is counted by Congress, or as determined by the House of Representatives—will be

inaugurated as president. In the unlikely event of an election controversy that doesn't get resolved by the House before January 20, the Speaker of the House becomes acting president until the controversy is resolved. The term of the sitting president still expires on January 20; he or she doesn't get to stay in office until a decision is made.

It makes no difference to this process if a losing candidate declines to formally concede or refuses to accept the results. The political process will continue anyway.

The US electoral process is complicated, to be sure, but it has been remarkably stable. In our view, concerns about its stability are misplaced.

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