The source is Article II, Section I of the Constitution. The Constitution was ratified in 1787 after the Articles of Confederation was determined to be insufficient. Article II explains the powers and processes of the Executive Branch. The document was written by the founding fathers to correct the problems in the Articles of Confederation, including giving more power to the central government, creating the office of President, and setting up a bicameral legislature.

Article II, Section I explains the process of electing the President together with the Vice-President. “Each state shall appoint…a number of electors, equal to the number of Senators and Representatives to which the State may be entitled in Congress.” However, no government official may be an elector. The electors are then to meet in each state and “vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves”. There is no distinction between the President and Vice President positions. A list of the persons voted for and the number of votes for each is signed, certified, and sent to the President of the Senate. All votes are counted and the winner of the most electoral votes shall be President.

Congress plays a significant role in the Electoral College. The electoral votes are read by the President of the Senate in front of the Senate and House of Representatives. Additionally, if there is no candidate that wins a majority, then the House of Representatives chooses from a list of the five highest candidates. If there is a tie between two majority winners, then the Senate shall choose from the ballot the Vice-President. The Congress is given the power to determine the time to choose electors and the day of the vote.

The Constitution reflects the sentiments of the time. The delegates of the Continental Congress wanted to retain power with the states. Therefore, states were given the power to appoint electors who would then submit two names for President. The lack of a steady two-party system is evident by the “list of the five highest candidates” that the House of Representatives may select from in the case of no majority winner.

Guiding Questions for Class Discussion

- Sourcing:
  - Is there an author written on the document? Why would they not include one author?
  - What is the date? Why not 1776?
  - What is the source written on?

- Close Reading
  - Who do electors vote for? How many people can the electors vote for?
  - How is the Vice President chosen?
  - Who is the vote sent to?
  - What is the role of the Congress in the Electoral College Process?
  - What happens in the case of no majority vote for the office of President?
  - What happens in the case of a tie in the majority vote for the office of President?

- Contextualizing
  - Why would electors be chosen to elect the President instead of the people?
  - What does the fact that “five highest candidates” can be expected say about the party system?

- Corroborating
  - Compare this with the Twelfth Amendment. What was amended?
  - Why would these changes have been made?
The Twelfth Amendment was passed by Congress December 9, 1803 and ratified in 1805. The amendment changed the Electoral Process by elaborating on the process of electing the Vice-President. Now, the ballots for the President and Vice-President “shall name…the person voted for as President and in distinct ballots the person voted for as Vice-President”. Additionally, since the Vice-President is elected by an officially separate vote, then there could be the case that no majority of votes could occur. If there is no candidate that wins a majority, then the Senate shall choose the Vice-President from a list of two. Additionally, no person ineligible to the office of President can be eligible for the office of Vice-President.

The Twelfth Amendment also changed the process for handling the lack of a majority winner for President. The Twelfth Amendment now stated that “if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately by ballot.” Now, the House will vote as each state having one vote. If the House cannot decide before the fourth day of March, then the Vice-President will act as President.

The Twelfth Amendment was written after witnessing the flaws of the electoral process set up by the Constitution in Article II, Section I. In the 1796 election, a Democratic-Republican Thomas Jefferson was President but a Federalist John Adams was Vice-President causing many conflicts. After this case, handling the Vice-President as a separate election with separate rules seemed to be more effective. In the election of 1800, Thomas Jefferson and Aaron Burr ran as a President and Vice President from the same party. In some states, however, Aaron Burr had more support. In the election, there was a tie between Thomas Jefferson and Aaron Burr, and neither had a majority. Neither was able to get the required majority until finally the stalemate was broken. By separating the President and Vice-Presidential races, as well as elaborating on the process for handling these situations, the twelfth amendment was designed to prevent the Jefferson-Burr scenario from repeating itself.

**Guiding Questions for Class Discussion**

- **Sourcing:**
  - When was the amendment proposed? Ratified?
  - Who is the audience of this amendment?

- **Close Reading**
  - Who do electors vote for? How many people can the electors vote for?
  - How is the Vice President chosen?
  - Who is the vote sent to?
  - What is the role of the Congress in the Electoral College Process?
  - What happens in the case of no majority vote for the office of President?
  - What happens in the case of a tie in the majority vote for the office of President?

- **Contextualizing**
  - Why was the amendment written at that time? Why not earlier or later?
  - How did the amendment address the concerns of the time?

- **Corroborating**
  - How did this amendment change the electoral process from the original text of the Constitution?
  - How does the election of the Vice President change?
  - How does the process change when handling no majority winner for the office of President?
The source was written into Virginia Code in 1993. The title is “24.2-202: Electors for President and Vice President”. The source states that the “qualified voters of the Commonwealth” will choose the electors for the President and Vice President at the general election in November. Each voter will vote for the number of electors that is equal to the whole numbers of senators and representatives. The code specifies that these qualifications go into effect after the 1996 Presidential Election. This code separates Virginia from the few states that allocate electors proportionally. The states, according to the Constitution, are allowed to determine the appointment and allocation of electors.

**Guiding Questions for Class Discussion**

- **Sourcing**
  - When was the Virginia Code written?
  - Why would this code be written in 1993?
- **Close Reading**
  - Who chooses the electors?
  - When are the electors chosen?
  - How is the number of electors determined?
  - What type of system does this create in Virginia?
- **Contextualizing**
  - Why does Virginia need to specify the rules for the Electoral College?
- **Corroborating**
  - What document gives states the power to appoint and allocate electors?
The source is an invitation to the Electoral Vote Count at the House of Representatives on January 6, 2005 at one o’clock pm. The Sergeant at Arms for the Senate signed the invitation. The Vote Count took place at a Joint Session of the 109th Congress, which means the Representatives and Senators are present. A version of the Presidential Seal is printed on the invitation and another embossed into the paper. This source is evidence of the counting of the Electoral College Vote in a Joint Session of Congress in the House of Representatives. The Constitution, the original text in conjunction with the Twelfth Amendment, regulates this vote.

Guiding Questions for Class Discussion

- Sourcing:
  - When was the invitation’s event for?
  - Who was hosting the event?
- Close Reading
  - What can you see on the invitation?
  - What time is the event?
  - Who is attending the event?
  - What type of seal is printed and embossed on the invitation?
- Contextualizing
  - Why does this vote take place on this date?
  - Who would this invitation be sent to? Who is the audience?
- Corroborating
  - Why is the vote counted in this format?
This source is the packet produced by the National Archives and Records Administration (NARA) in the role of the administrator of Electoral College on behalf of states, Congress, and the people. The source is sent to the Office of the Governors of each state to assist them in the Presidential Election process. This packet was revised in July 2008.

The NARA packet gives the background and important information for the Governors on the Electoral College as laid out in Article II and Amendment 12. In November, voters choose electors to select President and Vice President based on the results of the November 4 general election. As soon as the general election is concluded, the state’s electors are appointed and the Certificate of Ascertainment is sent in which list the appointed electors’ credentials. Seven originals and two certified copies must be made. Only the two certified copies and one original must be sent to the Archivist in the NARA. On December 15, the electors meet to cast votes for the President and Vice President. The choices are documented in the Certificate of Vote. Six originals of the Certificate of Vote are signed and each paired with a Certificate of Ascertainment. The six pairs are sent to a variety of recipients: one pair to the President of the Senate Dick Cheney, one pair to the Chief Judge of the Federal District Court, two pairs to the NARA Archivist, and two pairs to the Secretary of State of each state. On January 6, the electoral votes are officially counted at a joint session of Congress with the President of the Senate presiding. On January 20, the President and Vice President are inaugurated.

The audience for this packet is the Office of the Governor. The NARA is attempting to mitigate any confusion or opportunities to lose all copies of the certificates through clear instructions. The national government plays a very small role in this process, with most of the action taking place at the state level. In a Presidential Election year, the NARA cannot afford to have more controversy.

Guiding Questions for Class Discussion

- **Sourcing:**
  - Who published the packet?
  - When was the packet published?
  - Who is the packet sent to?

- **Close Reading**
  - Looking at the timeline, what forms do Governors need to send in?
  - What do the certificates accomplish? Why are they necessary?
  - When do the people vote?
  - When are the electors appointed?
  - When do the electors vote?
  - When does the President get elected?
  - How many copies of each certificate are produced?
  - Who are the copies sent to?

- **Contextualizing**
  - Why would the Governors need a packet to remind them? Wouldn’t they just remember?
  - Why would the directions be so detailed and the packet so thick?
  - Why would so many copies of the certificate be produced?
  - Why would copies be sent to so many recipients?

- **Corroborating**
  - Why is it necessary to send in a Certificate of Vote and Certificate of Ascertainment?
  - Why would the packet include mention of the Constitution and Amendment 12?
This source is the Virginia Certificate of Vote certified on December 13 by the Electors for the Commonwealth of Virginia. The Certificate of Vote was certified in 2004 in the two-hundred and twenty-sixth year of the Commonwealth. The Certificate was produced by the State Board of Elections of the Commonwealth of Virginia due to Constitutional requirement.

The electors certified “two distinct lists”, one for the President and one for the Vice President, as required by the Twelfth Amendment. Thirteen votes went to George W. Bush of the state of Texas for President of the United States. Thirteen votes went to Dick Cheney of the state of Wyoming for Vice President of the United States. The state of origin for the President and Vice President is necessary because of the Constitutional requirement for each state’s electors to vote for at least one person from a different state.

**Guiding Questions for Class Discussion**

- **Sourcing:**
  - Who produced the Certificate of Vote?
  - Who certified the Certificate of Vote?
  - What was the date of the Certificate?
  - Who is the audience of this Certificate?

- **Close Reading**
  - Why was the Certificate completed at this date?
  - What numbers do you see?
  - How many names are on the second page?
  - How are the names grouped?

- **Contextualizing**
  - Why was the Certificate sent in on that date?
  - Who are the names on the second page?
  - If you vote for the President and Vice President as a ticket, why do the electoral votes have to be placed separately?
  - What do the numbers signify?

- **Corroborating**
  - Why is it necessary to send in a Certificate of Vote?
  - Why is it necessary to have two distinct lists of votes for the President and Vice President?
This source is the Virginia Certificate of Ascertainment certified on December 13 by Governor Mark Warner. The Secretary of the Commonwealth also certified the document. The election was on November 22, 2004 and the Virginia voters selected the people listed on the document to vote for the President. The document lists all of the individuals that voters would chose and the number of votes for each. On the document the Seal of Virginia can be seen. The state is in charge of the selection and vote of the electors.

There are four groups of thirteen potential electors, one from each party that was on the ballot. The governor lists the thirteen names that were voted to be electors. The winning set of electors in the bottom-left corner is selected by the Republican Party since they won Virginia in 2004. 1,716,999 votes went to the Republicans. The Democrats are the top-left slate of electors since the popular vote was 1,454,742. The other two slates of electors are from Third Parties.

Based on the Governor's packet, seven originals and two certified copies would have been created of this certificate. The two copies and one original would be sent to the NARA Archivist. This certificate is to prove the credentials of the Electors. This form must have been turned in prior to December 15.

**Guiding Questions for Class Discussion**

- **Sourcing:**
  - Who produced the Certificate of Ascertainment?
  - Who certified the Certificate of Ascertainment?
  - What was the date of the Certificate?
  - Who is the audience of this Certificate?

- **Close Reading**
  - Why was the Certificate completed at this date?
  - What numbers do you see?
  - How many names are in the back?
  - How are the names grouped?
  - What is the seal on the Certificate?

- **Contextualizing**
  - Why was the Certificate sent in on December 13?
  - Who are the names on the second page?
  - Why are there four groups of thirteen names?
  - What do the numbers next to each name signify?
  - Why are the numbers on the left side much larger than those on the right side?
  - Why is one of the groups of thirteen listed in Mark Warner's statements at the bottom?

- **Corroborating**
  - Why is it necessary to send in a Certificate of Ascertainment?
  - Why is it necessary to list the slates of electors?
  - Why does the state appoint and select electors?
The source is the text of the speech given by Representative Gene Green in order to introduce “Every Vote Counts” Amendment to the Constitution in the 108th Congressional Record. Green introduced this amendment on Tuesday September 14, 2004. The purpose of the amendment is: “...to abolish the Electoral College and to provide for the direct election of the President and Vice President of the United States”.

Upon its introduction, the “Every Vote Counts” Amendment was referred to the Committee on the Judiciary and subsequently the Sub-Committee on the Constitution. The Amendment died in the sub-committee. Since there was a Republican majority during the 108th Congress, both committee and sub-committee were headed by Republicans.

The Bill’s sponsors are the speaker, Rep. Gene Green (D-Texas) and Brian Baird (D-Washington). Green and Baird originally submitted this amendment in 2001, but it failed in committee. This speech was re-submitting the Bill. The timing of both of these bills is significant because the first is after the controversy over the 2000 election and the second is just prior to the 2004 Presidential Election. Both sponsors probably contributed to writing the introductory speech, since they shared sponsorship. Both Green and Baird are both Democrats. Green comes from a Democratic District in a generally Republican state. The Democratic Party would benefit from a popular vote count in Texas, since in a winner-take-all Electoral College System, all electors vote for the overall winner. Baird is from Washington State. Although Washington is traditionally a Democratic state, Baird is also the Regional Whip. Baird is has influence and connections with the region’s representatives, which could have been beneficial to the Bill.

Green’s immediate audience is the Congressmen and Congresswomen, as well as the Senators in the other house. However, due to the unlikely passage of the bill, it is more likely that Green’s true audience is his own district. This bill is meant to show Green’s constituents his populist values and remind them of his presence and activity in Congress. Green uses many propaganda techniques to convince his audience to his position, such as historically significant figures and principles, the threat of corrupt partisan politics, and the offer of bipartisanship.

After introducing the purpose of the bill, Green shares a quote from Thomas Jefferson: “I have ever considered the constitutional mode of election ultimately by the Legislature voting by states as the most dangerous blot in our Constitution and one which some unlucky chance will some day hit and give us a pope and antipope.” This quote is from a letter to George Hay written in 1823. This quote should be questioned, however, since the quote does not differentiate between the election of the Senators or the Executive by the Legislature, both of which were Constitutionally founded methods of election in 1823.

Green uses fundamental American principles and ideals to supplement his arguments. Green uses the principles of fairness and justice as reason to abolish the Electoral College. The Electoral College “is an injustice” and instead it should be replaced with something “simple and fair”. Green refers to the violation of the American principles of Consent of the Governed and Representative Government when he states: “My constituents are unjustly ignored.” In the source, Green explains that the Electoral College creates a focus on “swing voters in roughly a dozen states”. Green uses the phrase “all Americans are created equal” as a reason that all votes should be equal and count the same. These principles are used repeatedly in American History, such as the Declaration of Independence and the Constitution. Even the American Pledge of Allegiance promises “freedom and Justice for all”. Because of the historical significance of these principles, they are an effective tool for propaganda.

Green uses historical events as evidence that the Electoral College is outdated and ineffective. Green cites the Seventeenth Amendment, which was ratified in 1913. The Seventeenth Amendment provided for direct election of Senators, instead of selection by the State Legislatures. Green also refers to the 2000 election controversy. During the 2000 Election, vote recounts in the state of Florida became symbolic of the challenges of the US electoral system. Additionally, the 2000 election was a case where a direct election count would have been different than the actual electoral vote count.
Green uses the threat of corrupt partisan politics to appeal to the general public. Green states direct election will put the power of election with the people instead of with “small groups of partisans”, such as interest groups and other campaign contributors. This is a very politically correct argument that is often very effective with the general public; it is very easy to blame the wealthy contributors, interest groups and partisan politics for the problems in government. A similar argument is made when Green states that “neither candidate comes to Texas except to look for money, not votes”. With Campaign Finance Reform being a significant issue during elections, this argument could be effective. Green also uses the public’s fear of corruption to his advantage when he discusses the aspect of the Electoral College system where ties are taken to the House of Representatives, which “we have seen can be manipulate by redistricting.” This is a reference to gerrymandering, which is a legitimate concern for a population that can see the results of such redistricting on electoral maps today.

Green wants to communicate to his audience a bipartisan message. Green attempts to appeal to Democrats and Republicans by stating that “Texas Democrats, New York Republicans, California Republicans, and South Carolina Democrats would again have a say in the election of their President.” Additionally, using the term “again” gives the connotation that this power to directly elect the President was taken away and should be returned.

Guiding Questions for Class Discussion
Students will analyze this source by listing what they see, the questions they have, and what they learned about the Electoral College Debate. While sharing this information, the following questions should be used to guide the discussion and analysis.

- **Sourcing:**
  - Who is giving the speech?
  - What is Green’s purpose in giving this speech?
  - Who is Green’s audience?
  - What state does he represent? Political Party?
  - When is the speech given?
  - Where is the speech given?
  - Where is the speech recorded?
  - What is the purpose of recording this speech? Could there be a bias?

- **Close Reading**
  - What techniques did Green use to communicate his message to the audience?
  - What words did Green repeat over and over?
  - What American principles did Green use to justify his argument?
  - What historical events did Green mention in his speech? Why did he choose those events?
  - Who did Green mean by “small groups of partisans”? Why would he mention them?
  - Why would Green quote Thomas Jefferson?
  - If Green is a Democrat, why would he bother to talk about Republicans and Democrats in his speech? Do you think he really was trying to create a bipartisan bill?

- **Contextualizing**
  - Why do you think it was written in 2004? (election year, 2000 election)
  - When was the bill originally introduced? Why do you think it was introduced then?
  - If the bill didn’t go through the first time, why would Green re-introduce the bill?
  - What political party do you think Texas usually votes for? Then why would Green, a democrat, want to get rid of the Electoral College?
  - What happened in the 2000 election that would make Green bring it up in his speech? Who do you think that argument would be most effective with?

- **Corroborating**
  - What historical documents do you think share the ideas that Green refers to in his speech, such as fairness, equality, and justice?
  - Based on the Cato Institute Editorial, what are some arguments from the opposite perspective?
This source is an editorial that was on the Cato.org website on November 10, 2000. The author of the source is John Samples, director of the Center for Representative Government at the Cato Institute. The timing of this article is very significant. In November 2000, George Bush won more electoral votes than Al Gore; however, Al Gore won more popular votes. Because of the Electoral College System, George Bush became a minority-elected President. The discussion of the abolition of the Electoral College was a hot topic. John Samples is responding to wide-spread concerns about the democratic foundation of the Electoral College. The audience of this article is any individuals that seek to amend the constitution to eliminate the Electoral College and move towards a Direct Democracy, including the general public, political scientists, and legislators.

Samples challenges critics of the Electoral College by saying “there has been a misunderstanding of the Constitution”. The Constitution, as interpreted by Samples, fashioned a republic, not a pure democracy. There should not be the “direct, unrefined will of the people” since that would be reducing the government to a simple majority rule. The three branches of government divide power, federalism divides power, and the Electoral College divides democratic power.

Samples acknowledges the argument that the Electoral College is archaic and no longer currently applicable to our Electoral College. However, Samples brings up the Supreme Court and Senate as two examples of elections that are not “one person, one vote”. Samples challenges the audience that “if we are willing to abolish the Electoral College, we should abolish the Senate”. Additionally, there are important reasons to maintain the Electoral College. The Electoral College prevents any region or metropolitan area from dominating the electoral process. With direct elections, sparsely populated states could be ignored, created regional disparity and discord. Additionally, the Electoral College system gives maintains the fundamental principle of federalism by maintain electoral authority with the states.

Guiding Questions for Class Discussion

Students will analyze this source by listing what they see, the questions they have, and what they learned about the Electoral College Debate. While sharing this information, the following questions should be used to guide the discussion and analysis.

• Sourcing:
  o Who is writing the article?
  o What is Samples’ purpose in writing this article?
  o Who is Samples’ audience?
  o What organization does he represent? What is its bias?
  o When is the article written?
  o Where is the article published?

• Close Reading
  o What arguments against the Electoral College did Samples’ acknowledge at the beginning of his article? Why would he mention those arguments?
  o What American principles did Samples use to justify his argument? Why would he mention those principles and founders?
  o What arguments does Samples make for the Electoral College?
  o Do you think Samples’ is a democrat or Republican? Can you tell?

• Contextualizing
  o Why do you think it was written in 2000?
  o Do you think there were more articles like this one? Why or why not?

• Corroborating
  o Based on Introduction of the Every Vote Counts Amendment to the Constitution, what are some arguments from the opposite perspective?