

## Selection of Presidential Electors

1 The proposed amendment to the Colorado Constitution:

- 2 ♦ eliminates the current system in which the presidential candidate receiving the  
3 most votes gets all of the state's electoral votes;
- 4 ♦ allocates Colorado's electoral votes based on the percentage of votes for each  
5 presidential candidate; and
- 6 ♦ makes the changes effective for the November 2004 presidential election.

### 7 **Background**

8 In the United States, the president and vice president are elected using a system  
9 called the electoral college. Under this system, each state is allotted electoral votes equal  
10 to the number of the state's representatives and senators in the U.S. Congress. The  
11 electoral college currently consists of 538 electors from all 50 states and the District of  
12 Columbia. Colorado has nine of these electors. In all but two states, the candidate who  
13 gets the most votes receives all of the state's electoral votes. A candidate must receive  
14 at least 270 electoral votes to win the presidency. If no candidate obtains a majority of  
15 electoral votes, the presidency is decided by the U.S. House of Representatives, with  
16 each state allotted one vote.

17 In Colorado, each political party designates nine electors. Electors pledge to  
18 support that party's candidate for president and vice president. After each presidential  
19 election, electors from the winning party meet at the State Capitol to cast their vote for  
20 president and for vice president. All 50 states have a similar process for choosing  
21 electors.

22 Under this proposal, beginning with the November 2004 election, Colorado  
23 would allocate its electoral votes according to the percentage of ballots cast for each  
24 presidential ticket. Electoral votes would be divided, in whole numbers, among the  
25 competing candidates according to the number of votes each candidate receives. For  
26 example, if Candidate Smith gets 55 percent of the votes and Candidate Jones gets 45  
27 percent, then Smith would receive five electoral votes and Jones would receive four.

28 The proposal also adds procedures and timelines to the state constitution for  
29 certifying election results and recounts related to the vote on this proposal.

1     **Arguments For**

2           1) This proposal makes Colorado's electoral vote more accurately reflect the  
3 statewide vote. Under the current winner-take-all system, one candidate automatically  
4 gets all of the state's electoral votes, even if he or she doesn't win a majority of votes on  
5 election day. Instead, Colorado's electoral votes should reflect all candidates who have  
6 widespread support, not just the candidate who gets as few as one more vote than  
7 another.

8           2) This proposal may motivate more people to vote because the votes of more  
9 Coloradans will be represented in the electoral college. Under the current system,  
10 eligible citizens may not bother to participate in elections if they believe that their vote  
11 will have no impact on the outcome, especially voters not affiliated with a political party.  
12 The proposal may also encourage minor-party candidates to pay more attention to  
13 Colorado issues, in hopes of winning an electoral vote.

14          3) There can be no delay in the election of the president because of this change  
15 to the Colorado Constitution. The U.S. Constitution requires that the electoral college  
16 meet and cast votes in December following a presidential election, and that timing is  
17 unaffected by this proposal. Further, the Colorado courts have approved other proposals  
18 that are retroactive in nature.

19     **Arguments Against**

20          1) Colorado will likely become the least influential state in presidential elections  
21 because our current nine electoral votes will almost always be split 5-4. By awarding  
22 nine electoral votes to the winner, the current system encourages candidates to campaign  
23 in the state on issues of importance to Coloradans. In contrast, the proposal reduces the  
24 incentive to campaign in Colorado when a candidate might only pick up one or two  
25 additional electoral votes.

26          2) By making it easier for minor-party candidates to win electoral votes in  
27 Colorado, the proposal could lead to a situation where no candidate wins a majority of  
28 the electoral vote nationally. If this happens, the presidency would be determined by the  
29 U.S. House of Representatives with each state getting only one vote. Smaller states then  
30 would have disproportionate power, further weakening the popular vote by increasing  
31 the chance that the U.S. Congress, not the public, will elect the president.

32          3) Because the proposal attempts to be retroactive, it may be subject to legal  
33 challenge on the issue of timing, which could delay a final decision in Colorado on who  
34 wins the presidency in 2004. Further, voters in the 2004 election cycle may not realize  
35 that the outcome of the vote on this proposal will affect how Colorado's electoral votes  
36 are allocated in 2004.

37     **Estimate of Fiscal Impact**

38           This proposal does not significantly affect state or local expenditures.