

After Election Day, on the first Monday after the second Wednesday in December, these electors assemble in their state capitals, cast their ballots, and officially select the next President of the United States. Legally, the electors may vote for someone other than the candidate for whom they were pledged to vote. This phenomenon is known as the “unfaithful” or “faithless” elector. Generally, this does not happen. Therefore, the candidate who receives the most votes in a state at the general election will be the candidate for whom the electors later cast their votes. The candidate who wins in a state is awarded all of that state’s Electoral College votes. Maine and Nebraska are exceptions to this winner-take-all rule.

The votes of the electors are then sent to Congress where the President of the Senate opens the certificates, and counts the votes. This takes place on January 6, unless that date falls on a Sunday. In that case, the votes are counted on the next day. An absolute majority is necessary to prevail in the presidential and the vice presidential elections, that is, half the total plus one electoral votes are required. With 538 Electors, a candidate must receive at least 270 votes to be elected to the office of President or Vice President.

Should no presidential candidate receive an absolute majority, the House of Representatives determines who the next president will be. Each state may cast one vote and an absolute majority is needed to win. Similarly, the Senate decides who the next Vice President will be if there is no absolute majority after the Electoral College vote. Elections have been decided by Congress in the past. The House of Representatives elected Thomas Jefferson president in the election of 1800 when the Electoral College vote resulted in a tie. When the Electoral College vote was so split that none of the candidates received an absolute majority in the election of 1824 the House elected John Quincy Adams President. Richard Johnson was elected Vice President by the Senate when he failed to receive an absolute majority of electoral votes in the election of 1836.

The President-elect and Vice President-elect take the oath of office and are inaugurated two weeks later, on January 20th.

Election of Representatives

When the first Congress met in 1789, there were 59 representatives in the House of Representatives. As the number of states increased and as the population grew, the number of representatives increased significantly. A law passed in 1911 fixed the size of the House of Representatives at 435 members. Members of the House are up for reelection every two years. The number of persons representing each state depends upon its population as reported in the nation’s decennial census counts. Each state is divided into congressional districts accordingly. There is a representative for every congressional district and every state has at least one congressional district.

In order to be elected to the House of Representatives one must be at least 25 years old by the time one takes the oath of office, a citizen of the U.S. for at least seven years, and a resident of the state from which one is elected. These qualifications were established in Article I, Section 2 of the Constitution.

Most states have primary elections to decide which candidates will be on the November general election ballot. Some states parties hold conventions in conjunction with the primary. If a candidate is unopposed, there may not be a primary election. Those who represent a major political party are automatically placed on a state’s primary ballot. Minor party candidates are chosen by their party’s rules while independent candidates nominate themselves. Independent candidates and those representing minor parties must meet various state requirements to be placed on the general election ballot. An example of this would be to submit a petition with a certain number of registered voters.

Senate and Representative elections differ in who votes for the candidates. All eligible voters within a state may vote for Senator. A Representative is elected by only those eligible voters residing in the congressional district that the candidate will represent. Election winners are decided by the plurality rule. That is, the person who receives the highest number of votes wins. This may not necessarily be a majority of the votes.