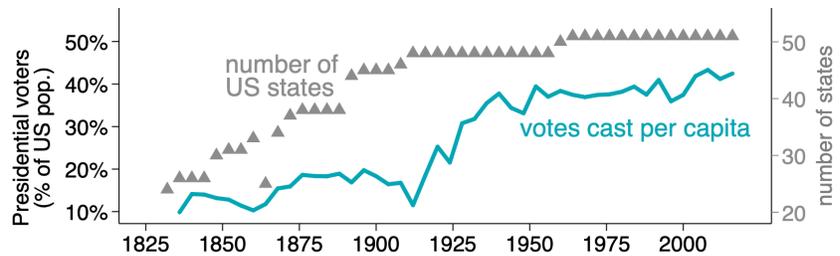
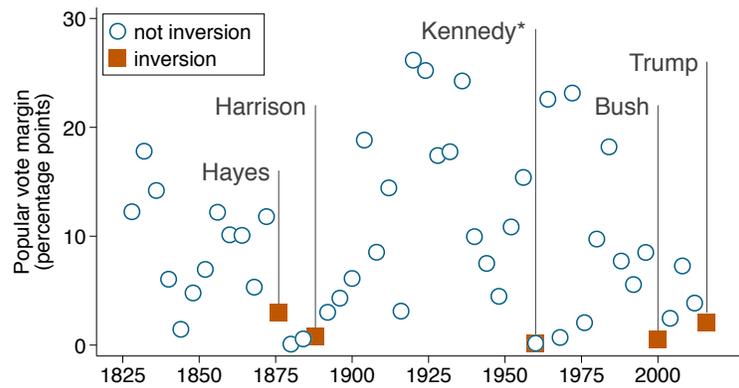


Despite the fact that the rules and norms governing Presidential elections have changed often throughout the history of the Presidency, including empowering an ever larger fraction of the population to have and to use the right to vote...

...and even as new parties and new states have emerged...

... inversions have endured as a fact of Presidential politics and a likely outcome of close elections.



Although the rules of Presidential elections have changed throughout US history, inversions have been likely for centuries.

New research from UT economists show that inversions have been likely since Whigs vs Dems, and despite changes to almost every aspect of election rules—except the two-tier system of the EC.

In the Presidential election of 1836, the Whigs and the Democrats battled for the electoral votes of only 26 states. About 1.5 million popular votes were cast nationwide, about as many as Trump received in 2016 in Indiana. Because the election of 1836 was not close, there was little chance of an inversion—that is, a mismatch between the national popular vote and the Electoral College winner. If the race had been close, could this have happened? The University of Texas Electoral College Study (UTECS) analyzes the history of Presidential popular voting, including the 19th century. Its data show that if the 1836 election had been between candidates as evenly matched as Bush and Kerry, or as Carter and Ford, then there would have been a one-third chance that the candidate who won the most votes nonetheless lost the election.

1804 12th Amendment altered election of President and Vice-President

1807 New Jersey rescinds the right to vote from women and free black men

1856 North Carolina is the last state to abolish property requirements to vote

1870 15th Amendment prohibits states restricting voting based on race

1876 **Inversion**
President Hayes

1888 **Inversion**
President Harrison

1913 17th Amendment lets citizen voters, not state legislators, elect Senators

1920 19th Amendment: women can vote

1929 Most recent of many Acts changing the size of the House, to today's 435

1961 23rd Amendment: Residents of Washington, DC can vote for President

1965 Voting Rights Act to protect minority rights against discrimination

2000 **Inversion**
President Bush

2000s Various states pass, and sometimes reverse, felon re-enfranchisement

2016 **Inversion**
President Trump

Four elections were inversions — more elections almost were.

In the most-commonly-told history of the 1960 Presidential election, Kennedy defeated Nixon in the Electoral College and narrowly won the national popular vote by a little over 100,000 votes. Arguably, however, Nixon received more votes than Kennedy did.* On the ballot in Alabama, voters selected Electors directly. There were many Democratic Electors: some who were loyal to Kennedy, and some who were running precisely to oppose Kennedy. If votes for these anti-Kennedy Electors are not counted as popular votes for Kennedy, then one published tally shows Kennedy losing the popular vote to Nixon by about 60,000 votes despite winning the Presidency.

The number of Electors depends on the number of Representatives in the House. Political scientists have shown that even if the exact same votes were cast by the same voters for the same candidates, the elections of 1916 and 1976 *would have been* inversions (in fact they were not) if the size of the House had been different.** Moreover, the elections of 1876 and 2000 would not have been inversions for some House sizes. Because the number of Representatives has been changed by legislation many times over the years, this is one way in which the rules of the Electoral College are not fully specified by the Constitution.

Inversions persist despite a history of radical changes to the rules governing elections.

Since the time that the founding fathers devised the Electoral College system, the rules have changed again and again. Slavery ended, new states joined. In some states, legislatures decided the ballots for Presidents. Others allowed citizens to vote. Eventually, non-whites and women were permitted to vote. Today, some states split electoral ballots across candidates. Others don't. Amidst variation and evolution, what endures through history is that inversions are likely, especially in close elections.

UTECS Brief No. 3. September 2019. All statistical results are from "Inversions in US Presidential Elections: 1836-2016" by Geruso, Spears, and Talesara of the University of Texas at Austin. Further results and full paper available at utecs.org.

*Gaines. 2001. *PS*. ** Barthélémey, et al. 2014. *Electoral Studies*.