Elections by the (Electoral College) numbers: The odds are against a tie, but it’s possible

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What happens if, after the ballots are counted from all 50 states, President Barack Obama and GOP challenger Mitt Romney are tied in the Electoral College?

No matter how the popular vote adds up nationwide, a candidate must win at least 270 of the 538 Electoral College votes allotted to the states in order to win the presidency. Those votes are based on the number of each state’s representatives in Congress — House representatives plus two senators each. California has the most, 55. Seven states and Washington, D.C. have only three votes each, the least.

This year the Electoral College tally could be extremely tight, so close that pundits are handicapping the way individual states may vote and computing scenarios that just might end in a tie. The slim chance of it happening hasn’t stopped political scientists from mapping out the possibilities.

“It’s extremely unlikely, but still possible,” said Charles Zelden, Nova Southeastern University historian and political scientist. “Given where we are at the moment, Romney would have to over-perform in a number of the swing states where he is currently behind. He would have to do more than hold his serve. But if he won those states, he would probably do better in the other swing states as well and it wouldn’t end up in a tie at all. … Still, anything is possible.”

According to the odds-makers, 41 states are pretty much sewn up. From those states, Obama has locked up 237 Electoral College votes and Romney 191. Nine states are considered swing states, capable of going either way. Those states and the number of their electoral votes are: Florida, 29; Ohio, 18; North Carolina, 15; Virginia, 13; Wisconsin, 10; Colorado, 9; Iowa, 6; Nevada, 6, New Hampshire, 4. They add up to 110 votes, which can be distributed in numerous ways to create a tie.

Some pundits consider Pennsylvania, Michigan and Minnesota in play although Obama’s current lead in those states suggest otherwise.
If the Electoral College vote is tied, it falls to the House to choose the president. Of the 50 congressional delegations, Republicans outnumber Democrats in 33 of those states and the GOP is expected to maintain the advantage after Nov. 6. Because each state gets one vote in the tie-breaking process, regardless of the size of the state and its delegation, Romney would almost certainly win the presidency.

But the Constitution also calls for the Senate to pick the vice president, and because the Senate is expected to remain in the control of Democrats, they would pick the vice president. They must choose between the two highest vote winners for vice president, so they would almost certainly choose current Vice President Joe Biden, a Democrat.

“Can’t you just see Joe Biden as vice president in a Romney administration?” chuckled Florida Atlantic University political scientist Kevin Wagner. Wagner doesn’t believe it will happen.

“Whoever wins Ohio will win it,” Wagner said. The latest consensus of polls showed Obama, riding a wave of support for his bailout of the auto industry, slightly ahead in Ohio. He was also leading narrowly in most of the other swing states. But Romney is ahead in Florida, the biggest toss-up state — though within most polls’ margins of error — and in North Carolina. His supporters say he’s still very much in the race.

Electors are chosen by their state political parties. Forty-eight states instruct their electors to vote for the winner of the popular vote in the entire state. Washington, D.C., Nebraska and Maine give electoral votes to the presidential candidate who wins each congressional district, so their votes can be divided.

But once the electors gather, different rules can apply. Only twenty-six states and Washington D.C. legally require their electors to vote for the candidate who won the popular vote in their state. In the remaining 24 states, an elector can decide to vote any way he or she chooses. Two swing states — Iowa and New Hampshire — are among the 24.

Electors very rarely go rogue, but it has happened. In 2000, a Washington, D.C., elector abstained rather than vote for Democratic candidate Al Gore. She was protesting the lack of a voting member in Congress for the nation’s capital, even though its residents can vote in the electoral college. In 2004, a Minnesota delegate opted for John Edwards instead of John Kerry. In those cases, the defections made no difference, because Republican George W. Bush won both elections.

Given the close races in the swing states, political observers are looking to any factor that might turn the tide at the last moment. North Carolina saw strong winds and flooding on its east coast and heavy snows in its western mountains because of Hurricane Sandy. Zelden believes the storm hurt Obama in that state and probably helped pushed it into the Romney column.

“The Democrats’ hopes included a strong showing in early voting and I think the storm hurt them there,” he said. “It was already leaning to Romney and it’s probably too much for them to overcome.”
High winds and rains also hit the key swing state of Ohio, but election officials said early voting was still strong. And Obama may be fortunate in that the states Sandy hit most severely — New York and New Jersey — were comfortably in his camp. But he also quickly left the campaign trail and returned to Washington to direct federal emergency response, which can only help him with those same voters. He visited Atlantic City on Wednesday, where New Jersey Gov. Chris Christie, the keynote speaker at the GOP convention, commended him and thanked him warmly for his help.

“And you have to remember that Romney, during the primaries, said that emergency management should be left to the states and ideally the private sector should handle it,” Zelden said. “That doesn’t help him at a moment like this.”

Sean Snaith, a University of Central Florida economist, sees possible effects on early voting totals in other locales affected by the storm, although not necessarily on the outcome.

“If you’re dealing with damaged windows or if you’re shoveling mud out of your basement, that might supplant participating in the elections,” Snaith said. “But I don’t know that it will help one side more than the other. I don’t know if God flooded more Democrats or Republicans. Natural disasters are equal opportunity events.”

Palm Beach Post researcher Niels Heimeriks contributed to this story.

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**Close calls in the Electoral College**

- In 1800 a flaw in the elections system of the new United States allowed electors to list their top two choices for president. Thomas Jefferson, of the Democratic-Republican Party, and his running mate, Aaron Burr, each received 73 votes for president in the Electoral College. The decision went to the House where Jefferson was named president and Burr, vice president. That led to the 1804 adoption of the 12th Amendment, which instructs electors to choose different people for president and vice president.

- In 1876 Rutherford B. Hayes, Republican of Ohio, beat Democrat Samuel Tilden of New York 185-184 in the Electoral College. This was despite the fact that Tilden won the nationwide popular vote. Hayes only won after a specially appointed Electoral Commission awarded him 20 disputed electoral votes — some of them from Florida. One of the issues raised in Florida that year was badly designed ballots, an issue that came back to haunt the state — in particular Palm Beach County — in 2000.

- In 2000 Republican George W. Bush of Texas beat Democrat Al Gore of Tennessee, 271-266, although Gore won the popular vote. Bush established his margin of victory after he was awarded the 25 contested Electoral College votes from Florida. That came after the U.S. Supreme Court halted a partial recount requested by Gore of the Florida popular vote.

**Important Dates in This Year’s Electoral Process**
Tuesday: Election Day, the last chance to vote.

Dec. 11: Six days before Electoral College members meet in each state to cast votes, so states must resolve any disputes and finalize who electors will be.

Dec. 17: The electors meet in their individual state capitals and vote for president and vice president on separate ballots.

Dec. 26: Deadline for receipt of the electoral votes by the president of the U.S. Senate and the U.S. Archivist.

Jan. 6: Congress, in joint session, counts electoral votes and formally announces winner.

Jan. 20: President-elect takes oath of office.

Source: The National Archives