

Knowledge IS Power!

a series to help you make sense of public policy topics



Women's Equity
Center and
Action Network

We The People & Presidential Power – Part 1

Issue 1 – July 2019

From as early as we can remember, we've been taught about the important role that the President of the United States (POTUS) has held throughout history. All of our Presidents – George Washington to our 45th President, Donald J. Trump – promised, "to faithfully execute the office of President of the United States, and to the best of his ability, preserve, protect and defend the Constitution of the United States."

The Constitution is really old, written in 1787 and truly is the blueprint for how our government operates. Here's a picture that shows the Constitution's relationship to our three branches of government.



In this Knowledge IS Power Action Brief, we're placing the spotlight on the Executive Branch – the role of the president, more specifically. The Constitution of the United States and rules governing the executive branch are clear on how the POTUS can act and influence public policy and the rule of law. A lot of power is granted to the president, so it makes a significant difference whom we chose to wield this power, and we should *never* underestimate the effect the presidency has on our daily lives.

Our current president – Donald Trump – is testing the rules that govern our country. The news is filled with examples of how he stretches the truth, makes us fearful, and polarizes our citizens. At times we become numb to what we see and hear. We must get beyond these realities. Contrary to widespread belief, the POTUS *cannot* do whatever he pleases, *nor* does he have absolute power over things like healthcare, jobs, and immigration.

The Constitution begins with the words, "We The People," meaning that our government exists to serve every man, woman, and child. This also implies that the president is sworn to protect us all. In your opinion, is President Trump fulfilling his responsibility? Let's explore the powers of the president and where we can leverage *our* power to make sure that the POTUS understands and acts positively to meet our needs. This issue starts with the basics of how the President becomes President.

Contrary to widespread belief, the President of the United States *cannot* do whatever he pleases, nor does he have absolute power over many things.

In order to understand a Donald Trump presidency, we need to appreciate how we got here. We'll begin with a quick review of the basics to place this president into perspective.

Who Can Be Elected President?

To be elected President of the United States the person must be:

- ✓ A natural-born citizen of the United States but can be born in another country if your parents are American citizens.
- ✓ At least 35 years old.
- ✓ A resident of the United States for at least 14 years.

How is the President Elected?

This may seem like a simple question, but the answer is a bit more complicated. In 2016, the Democratic presidential candidate Hillary Clinton received the most votes with over 65 million Americans selecting her to lead the nation. Yet, on January 20, 2017, the Republican presidential candidate, Donald J. Trump, who received 2.8 million **fewer** votes, was sworn in as President of the United States. How did this happen? Three words – the Electoral College.

How Does the Electoral College Work?

The Electoral College is a 231-year-old system (created in 1787) that dictates how we select the POTUS. Each state chooses electors, equal in number to that state's combined total of members of Congress. There are 538 electors, corresponding to the 435 members of the House of Representatives and 100 Senators. The 23rd Amendment to the Constitution allows three electors from the District of Columbia. The candidate acquiring the most electoral votes wins the election – plain and simple.

How are Electors Selected?

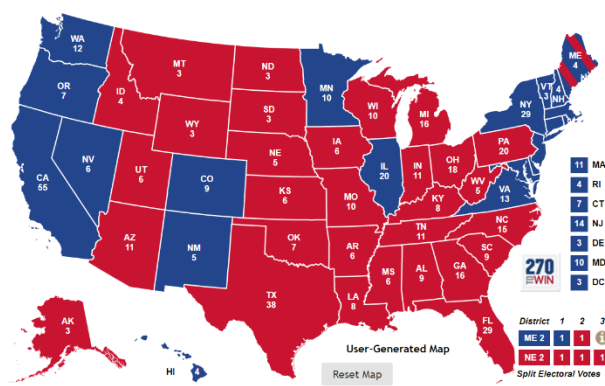
The process for choosing electors varies by state, but most often political parties nominate electors at their state conventions. Anyone except members of Congress can be an elector, but like many other political appointments, it is a difficult position to obtain and requires that one be very engaged in their chosen political party.

How was Donald Trump Elected President?

Even though Hillary Clinton won the popular vote (she received 48.2 percent and Donald Trump received 46.1 percent), Donald Trump gained 306 electoral votes as compared to Hillary Clinton's 232 electoral votes.

This isn't the first time that someone winning the popular vote didn't win a presidential election! Most recently in 2000, Democratic candidate Al Gore won the popular vote – a half-million more than Republican George W. Bush – but lost the electoral college vote by a 271-267 votes.

Here's a picture from the *New York Times* showing how the electoral votes played out in 2016. All of the red states went to Donald Trump – the eventual winner – and all of the blue states went to Hillary Clinton.



Map Updated: Nov. 29, 2016 at 00:22 UTC (Nov. 28, 7:22 PM EST)

Source: www.270towin.com/maps/2016-actual-electoral-map

Is the Electoral College Here to Stay?

There has been some discussion about changing the way presidential elections are decided – from the Electoral College to the popular vote for example – but as *The Washington Post* pointed out after the 2016 election, “The Electoral College...is enshrined in our Constitution, which means getting rid of it requires a constitutional amendment”.

Gaining approval of a constitutional amendment means that two-thirds of Congress in the Senate and the House would have to vote for it! In this current political climate, the passage of such an amendment isn't probable.

When is the Next Presidential Election?

The next presidential election will be held on November 3, 2020. As of July 13, 2019, 25 Democrats and 2 Republicans have [filed papers to run for the White House](#). Keep an eye on the news to see who might be most qualified and able to compete against the current president.

Part 2 of We The People & Presidential Powers will cover the real powers of the Presidency and how YOU can influence his/her actions.



Ever Wondered Why Candidates Spend More Time in Some States?

Winning the popular vote in the following six states can greatly impact election results!

California	55
Texas	38
New York	29
Florida	29
Illinois	20
Pennsylvania	20

When do Electors Meet?

In December following election day, the electors gather (usually in their state capitols), to cast their votes for the Presidency. When the Electoral College is convened (these meetings are public), the candidate who won the majority of the popular vote, wins that state's electoral votes. Maine and Nebraska are the only exceptions. Their electors must officially notify Congress of their choice, and then Congress meets to accept the votes. All of this happens in between election and Inauguration day – January 20th.