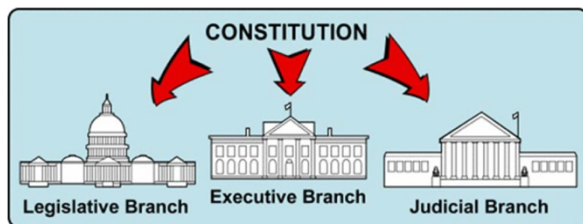




Association of University Centers On Disabilities

Plain Language: Presidential Election Process in the United States

The basics:



The government of the United States has three parts, or 'branches':

- **Legislative:** makes laws
- **Executive:** carries out laws
- **Judicial:** interprets laws in courts



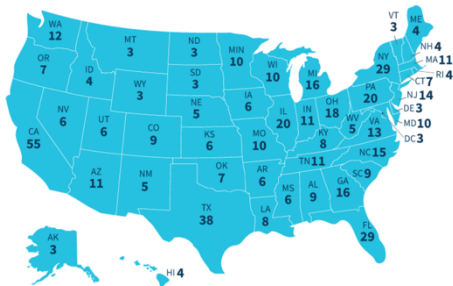
The job of the **Executive Branch** is to make sure that laws are followed, or 'executed.' The President is in charge of the Executive Branch. The Vice President helps the President. Many government employees work for the President and Vice President in groups, or 'agencies,' that focus on one topic, such as education, healthcare, transportation, housing, and more.

A new President and new Vice President are chosen in an **election** every four years. Each **political party** names a candidate for, or **nominates**, a President and Vice President, which voters vote for together. It is not possible for a President and Vice President from different political parties to win. Most people know about the Republican and Democratic party candidates, but other, smaller political parties also nominate candidates, even knowing they won't win.

Election Day is always on the first or second Tuesday of November. The Constitution and federal government set some basic election rules, like the date and who can vote. State governments are in charge of most of the decisions for how elections are held. This means that every state has different rules and timelines for [voter registration](#), early voting, [absentee voting](#), and [counting votes](#). This also explains why we may see election **results** from some states before others.

The Electoral College:

How a winner is decided in the Presidential election is different than how a winner is decided in a state or local election. In state and local elections, the winner is decided by the **popular vote**, which means that the candidate with the most votes wins. But the President and Vice President are not chosen by the popular vote. They are chosen through a process called the **Electoral Vote**. The Electoral Vote is written in the Constitution.



Each state has one electoral vote for each member of Congress (the House of Representatives and the Senate). Every state has at least three members of Congress, so each state has at least three electoral votes. Larger states have more members in the House of Representatives, so they also have more electoral votes. There are 435 Representatives and 100 Senators. Washington, D.C., also has three electoral votes, so there are 538 electoral votes in all.

Each state has its own rules for how electors must vote. In 48 states and Washington, D.C., all of the state's electors must vote for the winner of the state's popular vote. Maine and Nebraska do it slightly differently. A Presidential candidate must win at least 270 electors (more than half of all 538 electors) to win the Presidential election. The Presidential candidate who gets the most popular votes usually wins the most electoral votes, too, but not always.

After Election Day:

We might not know the winner of the Presidential election for a few days or even weeks after the Election Day. It may take several days or weeks for states to count all of the votes and decide who wins their state's electoral votes. If the number of votes between candidates is close or if the votes may have been counted incorrectly, a candidate can ask a state to count votes again. If candidates continue to argue about counting votes, the United States Supreme Court will make the final decision to count votes again or not. This is very rare and has happened one time in recent history (2000).

The group of 538 people who cast the **Electoral Votes** for the states are called **Electors**. Together, they are sometimes called the **Electoral College**. This is not a real college, and the Electors never even meet together outside their own states.

The Electoral Vote does not officially occur until December 14. The new President's term will start on January 20. It is important to know that if you see a Presidential candidate or someone on the news say who won on Election Day or soon after, that is a prediction and not the final result.

Because of the Electoral Vote process, a Presidential candidate can win the popular vote in the whole country but still lose the election. This can happen if the candidate does not win the popular votes in states with lots of electors. If neither candidate wins 270 Electoral Votes, the House of Representatives votes to choose the President and Vice President. This is very rare and has only happened one time in the history of the United States (1824).