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Rules as old as the nation itself determine how Congress chooses a president and vice president in case of a tie in the Electoral College.

Keywords


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How Congress Breaks an Electoral College Tie. "Millions of dollars, thousands of hours of work, hundreds of rallies, town meetings. What if all this ends in a tie?"

As NBC's Brian Williams tells us tonight, there are more than two-dozen scenarios that could produce a deadlocked Electoral College. What would happen then?

Brian is in our election-tracking center, where he's been looking at all this and shares the consequences with us now.

Brian, what have you got down there?

Well, Tom, we almost hate to say it, but among those so-called battleground states, there are no fewer than 33 mathematical formulas by which the Electoral College winds up in a 269-to-269 tie.

With most polls at or near dead even, most experts agree it's worth at least preparing for the possibility of a dead-even electoral vote in the battleground states.

Mr. ANDREW KOHUT (Pew Research Center): These states could split between these two men. They could all go to Bush or they could all go to Kerry. It's a ‘who knows’ situation in most of these--many of these swing states.

WILLIAMS: Here's the way the map looks today, with the nine toss-up battleground states in white. Under any number of combinations, with Bush winning one cluster and Kerry another, both men end up at 269. That's short of the 270 needed.

The first question is, what happens then? The election goes to the House of Representatives, where each state would get one vote. While Bush would likely win, there is a wild scenario under which a newly elected Democratic controlled Senate would hand President Bush, John Edwards as his vice president. Constitutional law expert Rick Pildes explains.
How would we end up with a combination of a split ticket, Bush-Edwards?

Mr. RICK PILDES: Now, the new Senate could possibly be Democratic. The Senate chooses the vice president in the case of a tie. Presumably, they would choose John Edwards. That's how you'd end up with President Bush, Vice President John Edwards.

WILLIAMS: And there may be an even bigger problem if the electoral vote ends up tied. Many experts feel it's bad for all of us.

Mr. KOHUT: This is going to be a real challenge to this country in a situation where the public has such strong feelings about these two candidates, if someone doesn't come away as the decisive, legitimate winner in the minds of the American public.

Mr. STEPHEN HESS (The Brookings Institution): It's complicated and it's interesting, but it's all there in the Constitution.

WILLIAMS: And we have to mention, there's an even wilder scenario here. In the event of a tie in the electoral vote and then a tie in the House of Representatives, John Edwards, who could be de facto president for two years until a new House of Representatives election. But first things first, we have to get through tomorrow night first. Tom.