

The presidency is won by *states*, not by national vote totals

One mechanism of elections, examined in depth — how electors are actually allocated, and what states can and can't require of them.

BEFORE YOU BEGIN

How This Guide Works

This is part of **Incognati Civics**, applying the field-guide format to election administration and mechanics — the procedural layer beneath the outcome, examined the same way regardless of which party or candidate it involves. Each specimen goes deep on one mechanism, with official records, court citations, and peer-reviewed or nonpartisan scholarship listed in full on the references page.

INCOGNATI CIVICS – ELECTIONS

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Electoral College Mechanics Misrepresented

Collegium Electorale

Governing precedent / case 2020 Status Settled by unanimous Supreme Court ruling

OBSERVED SPECIMEN

CHIAFALO V. WASHINGTON, 591 U.S. 578 (2020)

Following the 2016 election, three Washington electors pledged to Hillary Clinton instead cast their Electoral College votes for Colin Powell, hoping to encourage other electors to follow — an attempt at a "faithless elector" movement. Only seven electors nationwide voted faithlessly, short of the number needed to change the outcome. The Supreme Court ruled unanimously in 2020 that states may fine or replace electors who break their pledge, confirming that electors are bound agents of their state's popular vote, not free agents of personal conscience.

THE HOOK

“The candidate with more votes should win” treats the presidential election as if it were one national contest, when the Constitution structures it as 51 separate state (and D.C.) contests.

THE MECHANISM

48 states plus D.C. use winner-take-all elector allocation; Maine and Nebraska allocate some electors by congressional district. Electors are chosen by the states, and — per Chiafalo — states may bind them to the state's popular-vote outcome.

Field mark: before assuming the national popular-vote leader has won, check the state-by-state elector count — the two numbers measure different things and have diverged in five presidential elections.

See the full references page for complete citations.

References

every source checkable at the link provided; DOIs given where the source has one

PRIMARY SOURCE · SUPREME COURT

Chiafalo v. Washington, 591 U.S. 578 (2020).

<https://supreme.justia.com/cases/federal/us/591/19-465/>

Unanimous decision upholding state authority to enforce elector pledges.

PRIMARY SOURCE · CONSTITUTIONAL TEXT

U.S. Const. art. II, § 1, cl. 2; amend. XII.

<https://constitution.congress.gov/constitution/article-2/>

Official Congress.gov annotated Constitution, elector-appointment and counting provisions.

REFERENCE SOURCE

National Archives, Office of the Federal Register, "About the Electors."

<https://www.archives.gov/electoral-college/electors>

Official federal explainer of how each state allocates and appoints electors.

Reading This Mechanism: A Gut Check

four questions before a headline changes what you think happened at the polls

1 Separate the two vote counts

National popular vote and state-by-state electoral vote are different numbers measuring different things.

2 Check the allocation method

Winner-take-all versus congressional-district allocation changes how a state's votes split.

3 Know electors are bound

Since Chiafalo, states can enforce elector pledges — faithless votes are the rare exception, not a live risk to outcomes.

4 Check the actual constitutional text

Article II and the Twelfth Amendment define the mechanism — read them before assuming how it works.

INCOGNATI CIVICS

The Series Continues

This is Specimen No. 2 of the Elections section within Incognati Civics. The full queue of twelve specimens is listed on the cover. This section joins "How Federal Laws Actually Get Created" within Civics, with local government, official data reporting, and institutional communications planned beyond it. The Incognati Atlas catalogs the underlying patterns across all of it.

Civics Field Edition · Elections · Specimen No. 2

All specimens independently sourced