

## SAVE OUR STATES



### Beware of the National Popular Vote Bill In Richmond

#### Protect Our Constitution & Virginia's Voice

By Michael C. Maibach & John Hendrickson

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“A dangerous virus lurks in our republican democracy,” wrote E.J. Dionne, Jr., a *Washington Post* columnist. He argues that the threat is the Electoral College, one of the least-understood elements of the Founders’ Constitution. For many it is a mystery and archaic. In recent years, the Electoral College has come under heightened attack. But we eliminate it at our civic peril.

The current attempt to end the Electoral College is the National Popular Vote Compact (NPV). It will be considered by the Virginia State Senate this Fall after passing the House of Delegates. The NPV asks Virginia legislators to join an interstate compact that would pledge the Commonwealth’s Electoral votes to the Presidential candidate who wins the national popular vote – *regardless of how Virginias vote!* To many this seems like an affront to we, the citizens. Nevertheless, 15 states have joined the NPV Compact with a total of 196 Electoral votes pledged. NPV needs only 74 more Electoral votes to reach the 270 needed to elect a President. NPV is a brazen end-run around the Constitution’s requirement that 38 states agree to any amendment.

Electoral College opponents say it is “un-democratic”. One might say that about the Supreme Court and the Senate filibuster, to name just two. The Founders were clear about *the dangers of a direct democracy*. They designed a Constitution to guard against what Madison called “majority tyranny”. Thus, we have a House and Senate, Presidential vetoes, Supreme Court rulings... and the Bill of Rights itself! Pure majority rule portends the smashing of minority rights. In the Republic Plato wrote that “all democracies become tyrannies”.

The Convention of 1787 *rejected a national popular vote 11-1*. Instead, they sought to protect the vital role states play in our federal system, ensure a national Presidential campaign, not one solely focused on Boston, New York, Philadelphia, and Baltimore – the four largest cities of their day. The Electoral College system of state-by-state elections was meant to reflect the unique cultures, histories, and economies of each state. The Founders created “A Nation of States”. Indeed, all the Convention delegates came representing the original states.

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NPV would create a Constitutional crisis. The Constitution's "Compact Clause" (Article 1) requires that state compacts gain Congressional approval. The small states added this clause to ensure large states did not ban together to harm their interests. The nine smallest states would have never agreed to a Constitution without the Electoral College and the Compact Clause.

The NPV scheme would have other dangerous consequences. Our elections have been administered by our states since 1789. Some states require voter IDs, some allow mail-in ballots, some allow early voting as we do in Virginia. A national direct election would bring "equal protection" litigation which would cause the courts to require the federal government run elections for our 300 million people. Ironically, this would put a President in charge of his own re-election. Further, state-by-state voting with the Electoral College system curbs election fraud and endless litigation. The NPV would make the 2000 Florida recount look like a picnic. The Electoral College system isolates fraud within each state like the compartments of an ocean liner. If you want to witness the recount 170 million Presidential ballots, the NPV will deliver this for you.

An NPV scheme would mean Presidents would be elected largely by major metropolitan areas like New York, Miami, Chicago, Houston, D.C., San Francisco... and LA County. LA County alone has more people than 41 of our states! Gone would be compromises between large and small states. Our two-party system would soon implode as multiple parties would pop-up. The Iowa and New Hampshire primaries would never be held again. Indeed, no candidate would care about those two states.

In 2000 the five West Virginia Electoral votes elected George W. Bush. This caused both Bush and Gore to campaign there. With an NPV system, Presidential candidates would focus only on major metro areas and "fly over" most states. Nine US states have more than half of our population! The NPV would deeply alienate voters in most states.

"The Electoral College was designed by the Framers, like the rest of the Constitution, to counteract the worst human impulses and to protect the Nation from the dangers inherent in democracy," [wrote](#) historian Allen C. Guelzo. The U.S. Senate was designed with a similar purpose, to provide equal representation to small states. If the Electoral College is abolished, the next question will be – "Why do all states have two U.S. Senators?"

The Founders sought to create a republic, not a pure democracy. Those who seek to end the Electoral College system should follow the law and pursue a Constitutional amendment. The NPV is an attack not only on how we elect a President, but how we change our Constitution. We call on the Virginia State Senate to reject this un-Constitutional and radical scheme.

*Michael C. Maibach resides in Alexandria, Virginia and is a Distinguished Fellow at Save Our States. John Hendrickson is Policy Director for Tax Education Foundation of Iowa, a public policy think tank. [www.SaveOurStates.com](http://www.SaveOurStates.com)*