

🇺🇸 **ELECTORAL COLLEGE:
THERE'S A
MOVEMENT
🐣 AFOOT! 🐣**

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It's the time for a presidential election, so we are hearing about the intricacies and disadvantages of the electoral process. This is a constitutionally established "indirect" method of electing the President of the United States. There's a movement afoot to effect a change in the electoral process without a Constitutional Amendment. Its intent is to avoid any vote by Congress, by the states, and even without a Constitutional Convention. This is officially called the National Popular Vote Interstate Compact. In effect, it would remove the current electoral process and replace it with a method for a direct election of the President. The "ticket" receiving the most popular votes would serve as President and VP.

In order to be elected President, a candidate must receive 270 out of the 538 electoral votes available. In order for the Compact to take effect, states controlling a total of 270 electoral votes would have to "sign on". Those doing so are agreeing to direct their electors to vote for the presidential ticket receiving the most popular votes. Under those rules, the Electoral College voting process would amount to merely "going through the motions" since, by agreement, a sufficient number of states would be voting in a manner to guarantee a win by the candidate with the most popular votes.

As of now 10 (all heavily Democratic) states have signed the agreement, controlling a total of 165 electoral votes. In order to reach the required 270 total, it's clear that far fewer than half of the states would be necessary. Compare that to the three-fourths of the states (38) necessary to ratify a Constitutional Amendment. It's no secret, or surprise, that those favoring this agreement are heavily Democrat, and those opposing are heavily Republican.

It sounds rather easy for the states to accomplish this except for the following:

Article 1, Section 10, Clause 3 (the Compact Clause) states that "No state shall, without the consent of Congress enter into any agreement or compact with another state or with a foreign power"

Clearly, under this circumstance, those states opposed to the "Popular Vote Compact" would quickly question its constitutionality and ultimately a lawsuit would reach the Supreme Court. It seems to me that it would be difficult to defend the "Compact" on a Constitutional basis.

This is a transformative solution to a problem which hardly ever exists. If one were to conclude that we should not retain the intended operational details of the "electoral college" (EC), that presumes performance of an analysis of the Founders' reasons behind to the electoral process, and that those reasons were found "wanting." First let's look at some of the superficial arguments for and against.

Arguments for the Electoral Process

- We must maintain, to the extent possible, our original "Constitutional Republic." All of the elements thereof, including the methods of representation and the checks and balances fit together like a glove and are interdependent.

- The Founders wanted to prevent a few urban states being able to totally control the Presidential election. They felt a pure “popular vote” would invite narrowly focused urban control.
- The “Compact” approach would introduce unintended, unwelcome outcomes because not all eventualities can be contemplated in this simplistic approach. For example, the Compact doesn’t anticipate multiple or regional candidates – and it doesn’t contemplate a popular third party candidate emerging.
- Under the EC system, candidates must build a much broader popular base, both geographically and philosophically.
- Complaints are seldom the consequence of our indirect election of the President. Rather, they are the result of “winner takes all” for allocating most of the states’ electors. This could be fixed if the States were to reexamine their process and change their approach. Not easy, but doable if this is a real problem – much easier than a Constitutional Amendment or an interstate Compact.
- The existing system protects the interests and influence of the small states. Without the current electoral system, the concentration would be on urban centers and “fly over country” would be neglected both in campaigns and in eventual political influence.
- “Winner takes all” enhances presidential legitimacy by magnifying narrow popular vote margins – e.g. In 2008 Obama got 49.7% of the popular vote but 67.8% of the electoral vote.
- The process helps to ensure that majorities will tend not to be ideologically or geographically concentrated.
- A “popular election” would increase incentives for voter fraud in jurisdictions with lax voting standards.

Arguments Against the Electoral Process

- There isn’t an election system in the world where the person with the most popular votes doesn’t win.
- The current system violates the spirit of one person/one vote – i.e. the smaller, rural states are given slightly more say in electing president since all states receive two electors corresponding to their two senators – the same as higher population urban states. Stated another way, the lower population states have more electors per person than the higher population states.
- Since the allocation of congressional House seats is based on the total numbers living in those districts, including legal and illegal aliens, this tends to give more influence to the states with the most “non-citizens.” Our constitutionally mandated 10-year census does not ask respondents to declare citizenship status.
- The EC operates today in a manner far different than the Founders envisioned – e.g. the Founders did not anticipate political parties.
- A popular vote would make every state significant during the election process. Under the EC process, the solidly committed states (democrat or republican) are ignored in the campaign process in favor of concentrating on the “swing” (not solidly committed) states.

In this report I introduced the National Popular Vote Compact and summarized some introductory arguments for and against the existing process. This presentation has only barely started to discuss current issues surrounding the Electoral College system. Other important topics must be considered and will be considered in later reports, including:

- What is the Electoral College Process and what was the Founders’ original intent in creating it?
- With the immigration issue currently so “front and center,” are there any implications for the Electoral Process?