

If you don't regularly receive my reports, request a free subscription at steve_bakke@comcast.net !
Visit my website at <http://www.myslantonthings.com> !

Presidential elections: stop “tinkering”

Steve Bakke  January 10, 2024



My first question while planning this commentary was whether the results of the presidential election might stifle recent interest in drastically overhauling the electoral process, a building block of our “representative republic” form of democracy.

Soon after the 2024 election, three U.S. senators introduced legislation to change this process by eliminating the Electoral College. I was surprised, but at least they were following the constitutionally established process.

These senators were starting the process which they hoped would lead to amending the U.S. Constitution. Both Houses in Congress would have to pass the legislation with a two-thirds majority. Finally, three-fourths of the states must ratify the change. It's a long, difficult process.

But why is there concern about the process? The number of presidential electors allocated to each state coincides with the number of representatives in the House and U.S. senators, combined. The House allocates seats based on a state's population, roughly equivalent to the popular vote. Every state, of whatever size, has two Senators.

Using this framework, a candidate can win the presidency while losing the popular vote. This partially mitigates the influence of population centers in favor of agricultural and natural resource areas.

The difficulty of the amendment process led to some “tinkering” several years ago. The National Popular Vote Interstate Compact” (NPVIC) was created as an alternative to the slow and difficult process of amending the Constitution. As with the attempt to amend, this was primarily a democrat party project. Its goal is to guarantee that the winner of the presidential popular vote automatically wins the presidency, without regard for the results under the current Electoral College structure which they oppose.

Summarizing briefly, in order to achieve their goal of controlling a majority of the 538 electors, states providing a total of 270 electoral votes must legislatively ratify and sign the NPVIC agreement. It's no coincidence that all governors who have thus far signed legislation adopting NPVIC have been democrats. Achieving this goal appears realistic.

Electoral College opponents, generally democrats, believe the current process is antiquated and non-democratic. In order to have what they consider a democracy, only the popular vote should select our president.

Generally, republicans support keeping “hands off” the established Electoral College process. The real issue here is whether or not there is any modern value in retaining the Founders’ process for selecting our President.

Among other considerations, the Founders didn’t want population centers to have undue influence on governance. Let’s give that opinion some current context: too often, as California goes, so goes the nation. And if California isn’t enough, adding New York would often be enough to make that claim. In 2016, for example, if California is excluded, Trump solidly won the national popular vote over Clinton.

The lower population “flyover states” represent a disproportionate share of our natural resources and agricultural production, but proportionately smaller share of the population. The current electoral process partially mitigates those differences in favor of areas with lower population concentration.

Consider this illustration: a voter in Queens, New York can’t be expected to give rapt attention to the interests of a farmer in Iowa. Without this electoral system, no presidential candidate would bother seeing a Iowa corn stalk or hog farm. Iowa gains national influence

Opponents of NPVIC also argue that the process violates the constitution. The following self-explanatory quote from our Constitution’s “Compact Clause” is one Reason why: “No state shall, without the consent of Congress.....enter into any agreement or compact with another state or with a foreign power.” That provision presents a tough challenge to NPVIC becoming operational.

I’m betting, given the results of the recent Trump victory, the more heavily populated states have lost enthusiasm for NPVIC. Under a NPVIC regime, which virtually all of the western and northeast coastal states have ratified, in the 2024 election, all would have to direct their electors to vote for Trump. Think of the uproar that would cause. I think they’ve had second thoughts.

That uncertainty must be why Dick Durbin and two other senators introduced the new legislation to amend the Constitution. They knew NPVIC was a “gimmicky workaround” that couldn’t pass Constitutional muster. Hopefully, the attacks on our presidential electoral process will soon cease.

