

The Breakfast Club

Constitutional Minute for 23 January 2024

Why We Shouldn't Change to a National Popular Vote, Part 2

Last week I explained why the Democrat Party so desperately wants a national popular vote (NPV). They can almost taste the perpetual election victories an NPV will give them. They know they can depend on the loyalty of (I originally wrote "they control") a large number of Americans who live in very dense urban areas. Their candidates don't have to worry about visiting the vast farmlands of Iowa or Kansas.

But why should a candidate for President have to campaign at all? why must he worry about getting his "message" into the ears of 169 million registered voters?

George Washington didn't campaign, neither did John Adams, Thomas Jefferson, James Madison, or James Monroe. In fact, Americans didn't see their first presidential "campaign event" until the late 1800s, a hundred years after our first president took office.¹ Until then, presidential candidates felt it was beneath them to have to explain themselves to voters, there were surrogates and newspapers that did that, of course, but a candidate? Perish the thought!

The Lincoln-Douglas Debates of 1858, sixty-nine years after Washington was sworn in, were the first time two candidates ever went toe-to-toe before voters.

The biggest reason for this absence of campaigning was the fact that presidential electors were not initially selected by the people as they are today. Some at the Constitutional Convention wanted *Congress* to appoint the President,² others wanted the people to select the Chief Executive; the compromise was to give the task to the states, which was entirely proper: the man's title is not "President of the United People of America," is it?

Article 2, Section 1 of the Constitution states in Clause 3:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress...(Emphasis added)

Initially, only a few states allowed their citizens to participate in some way in the selection of electors. After 1824, a majority of state legislatures had changed to allowing voters to participate, but South Carolina continued legislative appointment until 1860.³ Eventually, all the states moved to voter selection of electors. Most states now utilize a "winner-take-all" approach to their electoral votes; two states, Maine and Nebraska, still select electors by district.

Whichever party controlled a majority of the state governments could ensure their candidate became President.

¹ <https://www.businessinsider.com/presidential-campaigns-then-and-now-history-photos-2020-10#criss-crossing-the-country-to-attend-events-and-give-speeches-is-now-a-campaigning-necessity-4>

² This was the idea proposed by Madison in [the Virginia Plan](#).

³ https://en.wikipedia.org/wiki/United_States_presidential_elections_in_South_Carolina

Today, Republicans control both houses of the legislature in 28 states,⁴ nineteen state legislatures are controlled completely by Democrats, two legislatures are split and one (Nebraska’s unicameral government) is by design non-partisan. A return to having the state legislature select presidential electors seems attractive. [This writer](#) shares that view. Would you support such a change?

Well, there’s a problem. Unfortunately, those 28 Republican-controlled states⁵ only control 271 of the 538 Electoral Votes while the D-states (including the District of Columbia) control 267 Electoral Votes. If two “faithless” Republican electors voted for the Democrat candidate the resulting tie would throw the election into Congress.⁶ Three “faithless” electors could swing the election to the Democrat. For me, that is too close for comfort.

The National Popular Vote Interstate Compact legislation has been passed in 17 jurisdictions (with their electoral votes, totaling 205). When they have sufficient states signed up representing 270 or more EVs, they will implement their scheme.⁷

California - 54
Colorado - 10
Connecticut - 7
Delaware - 3
Hawaii - 4
Illinois - 19
Maryland - 10
Massachusetts - 11
Minnesota - 10

New Jersey - 14
New Mexico - 5
New York - 28
Oregon - 8
Rhode Island - 4
Vermont - 3
Washington -12
District of Columbia -3.

The American people have gotten accustomed to indirectly electing the President and now the Left wants a direct election. Moving back to legislature-appointed electors is an option, but convincing the American people will be difficult. The NPVIC project is deceptive and unconstitutional.

The NPVIC can and must be defeated. But that can only occur if we each become as knowledgeable as possible and are willing to talk to “low-information voters.” The best source of online information is the [“Save our States”](#) project headed up by Trent England.

Suggested Reading: [Enlightened Democracy, The Case for the Electoral College](#), by Tara Ross⁸

[The Evolution and Destruction of the Original Electoral College](#), by Gary and Carolyn Alder.

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⁴ I purposely ignore the party of the Governors, since the Governors had then and have today no role in the selection of electors.

⁵ A few short years ago the Republican count was 32 state legislatures.

⁶ See the 12th Amendment.

⁷ Note that all of these so far are Democrat-controlled legislatures

⁸ Tara Ross is an Advisor to the “Save our States” project.