



Written by [Steve Byas](#) on February 28, 2019

Colorado Agrees to National Popular Vote to Gut Electoral College

With the approval of Governor Jared Polis, a Democrat, Colorado will become the 12th state to join the National Popular Vote interstate compact, a proposal that if enough states sign on, effectively amends the U.S. Constitution and guts the Electoral College system of presidential election, all without going through the amendment process required in Article V of the Constitution.



Interviewed on Sunday by *The Hill*, Polis made it clear that he views the system of presidential election crafted by the Founding Fathers — the Electoral College — as an “undemocratic relic.” He added, “I’ve long supported electing the president by who gets the most votes. It’s a way to move towards direct election of the president.”

Apparently, the National Popular Vote (NPV) proposal, originally marketed as bipartisan, is now running into Republican opposition, as no Republicans in the Colorado Legislature supported the bill. Opponents are promising to circulate a petition to force a vote of the people on the measure — an effort that would require 124,000 signatures by summer.

John Koza, the chairman of NPV, argued that choosing the president by the national popular vote, rather than the present system that uses a state popular vote, is preferred. Under NPV, even if the voters of Colorado, or any other state in the compact, voted for one candidate, the state’s electoral votes would be awarded instead to the winner of the national popular vote.

“Under a national popular vote,” Koza said, “the 38 non-battleground states long ignored by presidential campaigns will be powerful again, because no candidate can win 270 electoral votes and the White house without also winning the popular vote across all 50 states and the District of Columbia.”

The compact will not go into effect until the coalition grows to include enough states whose electoral votes add up to 270, or more. As of now, the compact has only enough states to have 181 electoral votes — all in “blue” states that generally vote Democrat. California, Massachusetts, New York, Washington, Connecticut, Hawaii, Illinois, Maryland, New Jersey, Rhode Island, and Vermont have joined the compact.

NPV leaders realize that they need to persuade some Republican-leaning states to go along in order to get to 270 electoral votes. Accordingly, one of the lobbyists that NPV uses to court Republican lawmakers is Ray Haynes, a former Republican member of the California Senate. Haynes told *The Daily Signal*, “The Electoral College doesn’t protect small states. It’s not learned people discussing who



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should be president. That's all horse manure."

The proposal has won in one of the chambers of some Republican-majority legislative bodies, such as in Arizona and Oklahoma, but ultimately failed in the other chamber. (This, by the way, is a good argument for having a bicameral legislative body.) In 2014, the Oklahoma Senate, heavily Republican, passed the proposal. Many conservatives in the state were shocked, believing no Republican legislator would have even considered such an anti-constitutional proposal. No Democrat has managed to even carry one county in Oklahoma in almost two decades, yet the NPV proposal would have handed the state's electoral votes to Al Gore, Barack Obama, and Hillary Clinton had it been in place.

Later, it was revealed that the NPV lobbyists explained the supposed virtues of the proposal to several Republican legislators — in an all-expenses-paid trip to the Virgin Islands!

There are several problems with NPV. For example, J. Christian Adams, president of the Public Interest Legal Foundation, contends that the NPV is flatly unconstitutional, citing Article I, Section 10 of the U.S. Constitution, which states, "No State shall, without the consent of Congress ... enter into any agreement or compact with another state." While such language should seem to settle the matter, most NPV supporters have the low opinion of the work of the Founders in creating the Constitution that Colorado's governor seems to have.

Yet, Alexander Hamilton wrote in *The Federalist* that the system of choosing the president via electoral votes was widely supported at the constitutional convention in 1787. He said it was "excellent."

Perhaps if we imagined a future election held under the NPV, with the Electoral College effectively neutered, we can get an idea of the proposal's dangers to the Republic.

Say it is only a few weeks before the new president is due to be sworn in, but the election has failed to produce a clear winner. The Republican candidate appeared to have edged the Democrat candidate by a mere 4,123 votes nationally, out of more than 135 million cast.

Of course, the Democrats refused to accept the results, and somehow "found" some additional votes in Chicago and Philadelphia to put their candidate in the lead. Just as amazingly, Republicans in several small counties in Oklahoma, Texas, and Nebraska "found" some additional votes, putting the Republican back in the lead.

Lawsuits filled the courts. Riots broke out in several parts of the country. A national recount was impossible, as Congress had enacted no legislation requiring such. Several states that had not voted for the NPV had no legal reason to conduct a recount in their states.

After three weeks, it was painfully obvious that America would never settle — peacefully — the election held under the notorious National Popular Vote proposal.

Rather than face such a grim scenario, it would be better to follow the Constitution, and the presidential election method the Founders created — the Electoral College — which Hamilton dubbed "excellent."

Steve Byas is a professor of history and government at Randall University in Moore, Oklahoma, and is the author of History's Greatest Libels, which defends historical figures such as George Washington, Thomas Jefferson, Joe McCarthy, Christopher Columbus, and Marie Antoinette.



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