



Written by [Joe Wolverton, II, J.D.](#) on May 21, 2018

## Connecticut Votes to Scrap the Constitutional Method of Presidential Election

The “dream” of popularly electing the president of the United States just got “one step closer to reality,” according to an article published recently in the *Washington Post*.

Christopher Ingraham, in a piece promoting the perceived benefits of electing the union’s chief executive by means of a simple vote tally, reported on the latest move toward that goal:



Lawmakers in Connecticut have approved legislation that would add the state to the National Popular Vote Interstate Compact, bringing electoral reformers closer to their goal of sidestepping the Electoral College to elect presidents by a nationwide popular vote.

Under the compact, states pledge to allocate all their electoral votes to the winner of the nationwide popular vote in presidential elections. It would not go into effect until it’s adopted by states representing at least 270 electoral votes, a majority.

The National Popular Vote Interstate Compact is but one of the various methods aimed at abolishing the Electoral College and to have the winner of future presidential elections decided by a national popular vote (NPV). Connecticut and several of her sister states have passed — and many others are considering — bills that would effect a *de facto* destruction of the Constitution’s mandate regarding the method for election of the president.

Despite minor differences in the various NPV bills, there are a few aspects common to all of them.

First, a member state shall hold presidential elections by statewide popular vote.

Second, the chief election official of the state is required to certify the results of the election and report the final vote tally to his colleagues in the other members of the compact.

Third, an official shall determine the “national popular vote totals” for each candidate in each state (even those not participating in the scheme). Finally, the electoral votes of each signatory state are awarded to the candidate who wins the popular vote count.

The compact specifies that it shall take effect only after enactment of NPV legislation has occurred in states with a combined number of electoral votes equal to a controlling majority (currently 270). Should this occur, it would mean that whoever wins the national popular vote would become president, as correctly described in the *Washington Post’s* article.

In a document entitled “Every Vote Equal,” published by National Popular Vote, Inc., the authors proclaim their supposed plan for dealing with the Electoral College:

The Electoral College would remain intact under the proposed compact. The compact would simply change the Electoral College from an institution that reflects the voters’ state-by-state choices (or, in the case of Maine and Nebraska, district-wide choices) into a body that reflects the voters’



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nationwide choice. Specifically, the proposed compact would require that each member state award its electoral votes to the presidential candidate who received the largest number of popular votes in all 50 states and the District of Columbia.

Despite the rhetoric of keeping the Electoral College, should the NPV compact become the method by which the president is elected, the Electoral College will effectively be dead. Although, strictly speaking, the Electoral College would remain intact, it would exist in name only. Its republican, anti-democratic essence would be removed, and it would be left as a mere Potemkin structure. That is to say, it would maintain the appearance of constitutional republicanism, but be bereft of any such workings and as such unable to provide any of the protections against tyranny for which it was originally designed.

Put simply, the National Popular Vote initiative would radically alter the constitutional process for picking a president and would do so without following the method provided in the Constitution for changing that document.

Rather than debating what would be “best,” in matters related to the federal government, we need only discuss what is constitutional.

First, let us consider the historical issues. That is to say, any democratization of the presidential election process is an affront to the express intent of the Founders. The men who constructed our federal government zealously guarded against permitting the harmful influence of democracy to infect the inner workings of our nation. In the case of the Electoral College, the Founders intended the body of electors to be a deliberative convention of wise men brought together for the sole purpose of soberly choosing a president from among the available candidates.

In *The Federalist*, No. 68, Alexander Hamilton explained how the method chosen by him and his colleagues of electing the president was still influenced by the will of the people. “It was desirable that the sense of the people should operate in the choice of the person to whom so important a trust was to be confided. This end will be answered by committing the right of making it, not to any pre-established body, but to men chosen by the people for the special purpose, and at the particular conjuncture,” he wrote.

Regarding the decision to rely on such a body to make such an important decision, Hamilton added:

It was equally desirable, that the immediate election should be made by men most capable of analyzing the qualities adapted to the station, and acting under circumstances favourable to deliberation, and to a judicious combination of all the reasons and inducements that were proper to govern their choice. A small number of persons, selected by their fellow citizens from the general mass, will be most likely to possess the information and discernment requisite to so complicated an investigation.

It was peculiarly desirable, to afford as little opportunity as possible to tumult and disorder. This evil was not least to be dreaded in the election of a magistrate, who was to have so important an agency in the administration of government. But the precautions which have been so happily concerted in the system under consideration, promise an effectual security against this mischief.

If the National Popular Vote movement continues along its current trajectory, these precautions so “happily concerted” in our Constitution would be eliminated, along with the protections provided by our Constitution against the mischiefs of democracy.



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