



Nevada's Democrat Governor Deals Blow to National Popular Vote with Veto

After being approved in the Nevada State Assembly, 23-17, and in the Nevada State Senate, 12-8, it appeared that the National Popular Vote Interstate Compact had picked up yet another state in its effort to circumvent the U.S. Constitution, and effectively abolish the Electoral College — without bothering with the amendment process outlined in the Constitution.



But the surprising veto by Governor Steve Sisolak (shown) on Thursday deals a stinging defeat to the hopes of those pushing the National Popular Vote (NPV). Most of the energy driving the NPV has come from Democrats (Democratic presidential hopeful Senator Elizabeth Warren of Massachusetts has even made the abolition of the Electoral College a centerpiece of her campaign), as they are upset that their 2016 nominee, Hillary Clinton, finished ahead of President Donald Trump in the popular vote, but lost in the Electoral College. Because Sisolak is a Democrat, most close observers of the battle over the NPV had largely conceded that Nevada would join the scheme to make an end-run around the amendment process and effectively terminate the Electoral College through an interstate compact.

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Governor Sisolak explained why he chose to kill the NPV in his veto message. “Over the past several weeks, my office has heard from thousands of Nevadans across the state urging me to weigh the state’s role in our national elections. After thoughtful deliberation, I have decided to veto Assembly Bill 186. Once effective, the National Popular Vote Interstate Compact could diminish the role of smaller states like Nevada in national electoral contests and force Nevada’s electors to side with whoever wins the nationwide popular vote, rather than the candidate Nevadans choose.”

It is not uncommon to hear inaccurate remarks about the constitutional system of electing the president through presidential electors. First, it is often repeated that Hillary Clinton “won” the popular vote, although neither she nor Trump actually won a majority of the popular vote. Other candidates won enough votes to deny either candidate an actual majority of the popular vote. Secondly, we often hear



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that we do not choose the president through the popular vote, but actually we do. Each state's popular vote determines which candidate wins the electoral votes in that state. In contrast, the NPV would require a state's electoral votes be awarded to the candidate who ran first (not necessarily who received a majority of the vote) in the national popular vote, regardless of which candidate received a plurality of the vote in a state.

Fourteen states and the District of Columbia have joined the NPV Interstate Compact, which will take effect were enough states with a majority of the 538 electoral votes joined the agreement. As of now, these 14 states and D.C. hold 189 electoral votes, still 81 votes short of the minimum of 270 required for the pact to become effective.

The NPV poses several potential problems, one being that it is of dubious constitutionality. The system of choosing the president via electoral votes is a part of the Constitution, and would require an amendment to the Constitution to change. Amendments must be proposed by two-third vote of each house of Congress, then ratified by at least three-fourths of the states. Since smaller population states, like Nevada, understand that this would reduce their clout in national politics, that is almost an impossible task. Because of that, the NPV advocates have opted to make an end-run around the Constitution, with their "compact."

In addition to violating the spirit of the Constitution, it would appear to also violate the clear wording of the document. Article I, Section 10 stipulates, "No state shall, without the consent of Congress ... enter into any agreement or compact with another state." No such consent has been granted by Congress, nor is it likely to be granted, as it violates the trust the small population states placed in the larger population states when the Constitution was adopted.

In addition to diminishing the clout of the smaller population states, NPV would shift political power more toward the nation's population centers, even in those larger states.

The Electoral College system reduces the significance of vote fraud, as no matter how many votes would be added illegally in, say, Chicago, the state of Illinois only gets a set number of electoral votes. But if the Electoral College were abolished, the incentive to stuff the ballot box in the large population centers like Chicago, Los Angeles, Philadelphia, and New York City would be greatly increased.

The NPV is even worse than abolishing the Electoral College by constitutional amendment, because it would create a *national* popular vote election, without any governing electoral system over vote counting and recounts. It is unlikely that any close presidential election could be settled peacefully, in our present highly-partisan environment.

Governor Sisolak demonstrated great wisdom in vetoing the NPV. "As Nevada's governor," he wrote in his veto message, "I am obligated to make such decisions according to my own conscience. In cases like this, where Nevada's interests could diverge from the interests of large states, I will always stand up for Nevada."

The governor's decision also illustrates the importance of contacting public officials and inform them of why such schemes as the NPV are bad for the state, and the country as a whole. "Over the past several weeks, my office has heard from thousands of Nevadans across the state urging me to weigh the state's role in our national elections."

This victory should provide a powerful lesson for patriotic Americans in other states — just because the cause looks desperate, they cannot give up without making the effort to inform public officials like legislators and governors, and fellow citizens, of the threat to the republic posed by the National



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Popular Vote.

Photo of Gov. Sisolak: AP Images



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