



Written by [Steve Byas](#) on May 22, 2019

## Nevada Senate Vote Moves U.S. Closer to Making Electoral College Irrelevant

“Our Constitution says we’re a republic, not a democracy,” Nevada Assemblyman Jim Wheeler said during last month’s debate on whether to join the National Popular Vote (NPV) Compact of states. Wheeler’s explanation as to why he voted against the NPV Compact is a good short argument against the push to essentially make the Electoral College irrelevant.



Despite Wheeler’s objections, the Nevada Senate joined with the state’s Assembly in passing, on a party-line vote, a proposal to make Nevada the 15<sup>th</sup> state to join the compact. (The District of Columbia has also agreed to join). Governor Steve Sisolak, a Democrat, is expected to sign the bill, which passed the Senate on Tuesday, 12-8.

According to the Compact, once enough states have joined that, together, have enough electoral votes to constitute a majority of the electoral vote total necessary to elect a president (270 or better), all the states in the Compact agree to cast all of their state’s electoral votes for the winner of the *national* popular vote. Presently, states award their electoral votes to the candidate who wins their state’s popular vote, regardless of the outcome of the national popular vote.

With the addition of Nevada to the Compact, the NPV now can boast a total of 195 electoral votes.

Public Citizen, Common Cause, and Indivisible were all left-wing groups who expressed approval of Nevada’s action. Public Citizen tweeted, “The movement to abolish the Electoral College is winning.” While the Electoral College would not be officially abolished were the NPV to go into effect, it would certainly become irrelevant.

The term “Electoral College” does not actually appear in the Constitution, although the system of electing the president by a majority of the electoral votes cast by each state is provided for in the Constitution. While there are a small number of Republicans supporting the gutting of the Electoral College, most of the energy behind the NPV comes from Democrats, angry that their nominee, Hillary Clinton, finished ahead of the Republican nominee, Donald Trump, in the popular vote, yet lost in the Electoral College. (Neither Clinton or Trump actually won a majority of the popular vote, because other candidates received enough votes to hold both under 50 percent of the vote).

Assemblyman Wheeler appears to have a good understanding of why the NPV would be a bad idea: “If we go to a national popular vote, why would they [candidates running for president] even bother coming here? Our Constitution says we’re a republic, not a democracy. I voted ‘no’ on the national popular vote because I don’t want Nevada to be a flyover state.”



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Because Nevada is a swing state — a “purple” state that is neither clearly “red” (Republican) nor “blue” (Democrat) — presidential candidates presently place much emphasis on it. Were the present Electoral College system to become irrelevant, candidates could be expected to largely ignore Nevada and other smaller-population states, and concentrate more on heavy population centers such as New York City or Houston. In fact, not only would Nevada be reduced to irrelevance along with the Electoral College, so would states in general. Candidates would not campaign so much for the voters of Illinois, for example, but for the voters in Chicago.

An actual abolition of the constitutional system of choosing a president by electoral votes would require an amendment to the U.S. Constitution. Since this would necessitate a two-thirds vote of each house of Congress, followed by ratification of three-fourths of the states, a direct elimination of the Electoral College by a constitutionally acceptable method is highly unlikely.

Because of this, advocates of changing the system created by the Founders have opted to attempt an “end-run” around the Constitution. The National Popular Vote organization proposes the creation of a “compact” of states instead. Several objections can be raised to this proposal.

First, according to Article I, Section 10 of the Constitution, states are explicitly forbidden from entering into “any agreement or compact with another state” without the consent of Congress, which has not been given.

Second, in a close election, who would conduct a recount, or even a proper certification of votes? After all, states that have not joined the Compact would have no incentive to conduct a recount. And, if a state did conduct a recount, could the rest of the country have any confidence in such a recount? If California recounted its votes, one would expect the Democrat to gain more votes, while in a strongly Republican state or areas, Democrats would be suspicious when the Republican nominee wound up with an increased vote total.

Since the NPV would not have been created by an act of Congress, there would be no federal statute to guide any such recount.

What if a state reneged on the agreement? Who would enforce it, since it is just an agreement among states — a compact that violates the Constitution anyway? What about situations where states outside the Compact gain electoral votes after the decennial federal census, especially if the electoral votes of the states within the Compact no longer constitute a majority?

The electoral system of choosing the president was established because we are a *federal* system. This is why members of the House of Representatives represent their districts, not the entire country, and members of the Senate represent their states, not the entire country. The decision to create an electoral system of choosing a president was based on the same principle of federalism as the Great Compromise that divided our Congress into a House and a Senate.

Clearly, the supporters of the NPV want to change our very system of government, and knowing that they cannot get it done through the constitutional amendment process, they are willing to subvert our system through this nefarious plan.

Writing in *The Federalist*, No. 83, Alexander Hamilton said the method of choosing the president may not be perfect, but it is “excellent.” Hamilton added, “The mode of the appointment of the Chief Magistrate of the United States is almost the only part of the system, of any consequence, which has escaped without severe censure.”



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He continued by asserting that the electoral method of presidential election would “afford as little opportunity as possible to tumult and disorder.”

In contrast, the National Popular Vote proposal would provide great opportunity for tumult and disorder, and should be rejected.

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