Bypass the Electoral College? Careful what you wish for.

The National Popular Vote movement to bypass the Electoral College would fracture American politics and undermine important safeguards of our individual rights.

By Trent England  AUGUST 12, 2010

OLYMPIA, WASH. — The greatest test of a political system is the transfer of power, and there is no greater transfer of political power than from one president of the United States to the next.

The Electoral College – the two-step, state-based process for electing presidents and vice presidents – has served the United States well for more than two centuries. Nevertheless, Massachusetts has become the sixth state to adopt so-called National Popular Vote legislation. The law, which only takes effect if passed by enough states to control the outcome, pledges a state’s electoral votes to the winner of the most popular votes nationwide.

If successful, this manipulation would eliminate the benefits of the current Electoral College system – and undermine important safeguards of our individual rights.

An 'excellent' system

Alexander Hamilton wrote in “The Federalist” (No. 68) that, if the Electoral College is not perfect, “it is at least excellent.” The system probably works even better than the American Founders expected, considering the addition of 37 states and the development of two powerful political parties since Hamilton’s original judgment
The Electoral College is established by Article II of the Constitution, with a few modifications in the 12th Amendment. Each state gets as many electors as it has US representatives and senators – that is, the balance of power in the Electoral College is the same as in Congress. Each elector casts one electoral vote for president and another for vice president.

The Constitution grants power to state legislatures to decide how to select their state’s electors. This allows each state to represent its own political will in the Electoral College system.

Since early in the 19th century, most states have held popular elections. Today, 48 states and the District of Columbia use a “winner-take-all” method: the candidate receiving the most votes in a particular state wins all the electors and thus all the state’s electoral votes. Maine and Nebraska elect one elector in each of their congressional districts and the remaining two statewide.

**Decentralizes elections and nationalizes politics**

The process may be complicated, but the benefits are straightforward. The Electoral College decentralizes elections and nationalizes politics.

Because of the Electoral College, the United States has no national election bureaucracy – no presidential appointee in charge of presidential elections.
Instead, every state plus Washington, D.C., establishes and executes its own set of policies. State and local officials act based on a combination of their political culture and their appetite for policy innovation. These are the “laboratories of democracy” in action.

Containing elections within state lines also means containing election problems. The Electoral College turns the states into the equivalent of the watertight compartments on an ocean liner. Fraud or process failures can be isolated in the state where they occur and need not become national crises.

Ironically, by decentralizing presidential elections, the Electoral College nationalizes and moderates our politics. Filtering the elections through the states imposes a kind of geographic distribution requirement to win the presidency.

This also leads to the most common attack on the current system: It can produce a winner who did not receive the most popular votes. This happens when the candidate with the most popular votes has too many of those votes in too few states. This reality shapes the way presidential campaigns are conducted and national political parties are organized.

Because the Electoral College has a geographic distribution requirement, rather than simply taking the plurality winner of the national popular vote, it compels candidates and parties to build and maintain national coalitions.

**Lessons from Grover Cleveland**
Grover Cleveland learned this lesson the hard way. Running for reelection in 1888, he received the most popular votes but lost the Electoral College and thus the presidency to Benjamin Harrison. Cleveland won 82 percent in South Carolina, and more than 70 percent in Georgia, Mississippi, and Louisiana. Harrison was nowhere so intensely popular, but he won in the most states, including large population states like New York, Pennsylvania, and Ohio.

After the 1888 election, Cleveland and the Democratic Party redoubled their efforts to reach into the North and out to the new western states. They succeeded – Cleveland won the popular vote and the Electoral College in 1892, becoming the only person elected to two non-consecutive terms as President.

Without the Electoral College, the Democratic Party of 1888 would have had a successful campaign strategy: intense regional popularity. If National Popular Vote had been the law of the land, the Democrats could have remained the party of the Deep South. The Electoral College forced the Democrats to look north and to rebuild their national coalition, even in the aftermath of the Civil War.

The threat of regional politics is one of the original reasons for the Electoral College. The Framers of the Constitution feared “favorite son” candidates: politicians who might rise to power based on strong support from one large state or region. The geographic distribution required by the Electoral College provides a healthy incentive to keep American politics national.
Dangers of majoritarianism

Reminders of the 2000 election – when George W. Bush lost the national popular vote but won the electoral vote – and pleas for “every vote equal” and “one person, one vote” have won some converts to the cause of the National Popular Vote.

Yet the argument against the Electoral College is, at its core, the argument for simple majoritarianism. Many observers have noted that the rationale of the National Popular Vote movement would mean the end of the US Senate, where states are represented equally regardless of the size of their population.

Majoritarianism – the idea that nothing should stand in the way of the power of a majority – flies in the face of the Bill of Rights. After all, every check and balance and especially every protection of rights operates to restrain the power of a momentary majority.

Opponents of the Electoral College would do well to remember that freedom and prosperity rely on social and political stability. This is the thesis of the United States Constitution, which establishes durable political institutions together with processes that incentivize coalition building and moderation. The Electoral College serves these ends, and by doing so, strengthens our political system and supports our freedom.
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