



WWW.PRAGERU.COM

DISCUSSION & REVIEW QUESTIONS:

- Critics of the electoral college often claim that the system is unfair, however Miss Ross explains that, "...A key benefit of the Electoral College system is that it decentralizes control over the election. Currently, a presidential election is really 51 separate elections: one in each state and one in D.C. These 51 separate processes exist, side-by-side, in harmony. They do not – and cannot – interfere with each other," but that due to states having different election codes, "NPV would disrupt this careful balance" because "It would force all voters into one national election pool. Thus, a vote cast in Texas will always affect the outcome in California. And the existence of a different election code in Texas always has the potential to unfairly affect a voter in California." Why, exactly, is this so problematic? Do you think the current system is 'unfair?' Why or why not? Who stands to lose the most if NPV were to be adopted? How would this affect presidential campaigns?
- We learn in the video that the NPV, "...asks states to sign a contract to give their presidential electors to the winner of the national popular vote instead of the winner of the state's popular vote." How and why would this be damaging to the presidential election process? In what ways might it affect the outcome of an election? Why do you think supporters of NPV wish to disenfranchise and take so much power away from the states?
- Miss Ross further informs us that, "...if NPV had been in place in 2004, for example, when George W. Bush won the national vote, California's electoral votes would have gone to Bush, even though John Kerry won that state by 1.2 million votes!" Do you think that the historical outcome would have been different if NPV had been in place that year? What might the long-term consequences have been had the NPV been in place? Why do you think that supporters of the NPV wish to disenfranchise and take so much power away from the voters?
- Miss Ross warns us that, "...with NPV, voter fraud anywhere can change the election results – no need to figure out which states you must swing; just add or subtract the votes you need – or don't want – wherever you can most easily get away with it." How could this work, exactly? Do you think that making the system so egregiously vulnerable to fraud is a compelling argument against adopting NPV? Why or why not?
- How would NPV fundamentally change the nature of presidential elections? What principles do you think underly the support of NPV? Why do you think supporters of NPV reject the principles of the founders?

EXTEND THE LEARNING:

CASE STUDY: NPV

INSTRUCTIONS: Read the articles “Who’s Pushing the National Popular Vote Scheme?” and “Why National Popular Vote Is a Bad Idea,” then answer the questions that follow.

- How did the NPV get its start? Would you consider it a knee-jerk reaction by the left because they didn’t like the outcome of the 2001 presidential election? Why or why not? Do you agree that the NPV movement heavily favors one political ideology over another? Why or why not?
- What specific points are mentioned in the article, “Why National Popular Vote Is a Bad Idea” that aren’t mentioned in the video? What are some of the proposed alternatives (to both our current system and to the NPV) mentioned in this article?
- Would you support the NPV movement? Why or why not?



QUIZ

THE POPULAR VOTE VS. THE ELECTORAL COLLEGE

1. State election codes can differ drastically.
 - a. True
 - b. False

2. If NPV had been in place in 2004, California's electoral votes would have gone to which presidential candidate?
 - a. John Kerry
 - b. George W. Bush
 - c. Bill Clinton
 - d. Barack Obama

3. NPV's contract goes into effect when states with a combined 270 electoral votes have signed. How many votes do they currently have?
 - a. 538
 - b. 270
 - c. 165
 - d. 105

4. What would the National Popular Vote do if it went into effect?
 - a. Decentralize control over the election.
 - b. Force voters into 51 different voter pools.
 - c. Could end presidential candidates concerning themselves with the needs and concerns of people in smaller states or outside of big cities.
 - d. All of the above.

5. Why did the Founders of America reject the idea of a direct vote for President?
 - a. They wanted to confuse the American people.
 - b. It was too difficult to tally the votes accurately.
 - c. It gave too much control to Congress.
 - d. They deeply feared a tyranny of the majority.



QUIZ - ANSWER KEY

THE POPULAR VOTE VS. THE ELECTORAL COLLEGE

1. State election codes can differ drastically.

- a. True
- b. False

2. If NPV had been in place in 2004, California's electoral votes would have gone to which presidential candidate?

- a. John Kerry
- b. George W. Bush
- c. Bill Clinton
- d. Barack Obama

3. NPV's contract goes into effect when states with a combined 270 electoral votes have signed. How many votes do they currently have?

- a. 538
- b. 270
- c. 165
- d. 105

4. What would the National Popular Vote do if it went into effect?

- a. Decentralize control over the election.
- b. Force voters into 51 different voter pools.
- c. Could end presidential candidates concerning themselves with the needs and concerns of people in smaller states or outside of big cities.
- d. All of the above.

5. Why did the Founders of America reject the idea of a direct vote for President?

- a. They wanted to confuse the American people.
- b. It was too difficult to tally the votes accurately.
- c. It gave too much control to Congress.
- d. They deeply feared a tyranny of the majority.

<https://peskytruth.wordpress.com/2014/05/19/whos-pushing-the-national-popular-vote-scheme/>

[Pesky Truth](#)

Political Commentary and Satire

Who's pushing the National Popular Vote Scheme?

Posted on [May 19, 2014](#) by [garnet92](#)

Most conservatives would simply answer “democrats” and leave it at that.

But rather than just dismiss the concept as being a dream of the liberal left, it might be viewed more cautiously if we knew who was behind the scenes, pushing states’ legislatures to approve it, *and how successful they’ve been*.

For those unfamiliar with the National Popular Vote (NPV) scheme, here’s a CliffsNotes version (from the [FairVote.org website](#)):

The purpose of NPV is to guarantee the election of the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia. It creates an agreement among states to award all of their electoral votes collectively to the presidential candidate who wins the national popular vote once the participating states together hold a majority (currently 270 of 538) of electoral votes.

Let’s do a brief flashback to why the founders created the Electoral College.

The founders were leery of direct election of the president. One thing that they were concerned about was what James Madison called “factions,” which he defined as groups of citizens who, in common interest, could violate the rights of other citizens or would harm the nation as a whole if that faction grew to encompass more than 50 percent of the population.

And Alexander Hamilton wrote that “*the Constitution is designed to ensure ‘that the office of President will never fall to the lot of any man who is not in eminent degree endowed with the requisite qualifications.’*” Unfortunately, the founders failed us on that last one. Barack Obama is the poster boy for NOT having “*in eminent degree the requisite qualifications*.”

Thus, they created the Electoral College specifically to avoid direct a popular vote. They substituted what they thought was a more prudent method of electing a president. They expected that each state would select electors who would then meet 41 days after the election and *the electors* would cast ballots for the president and vice president.

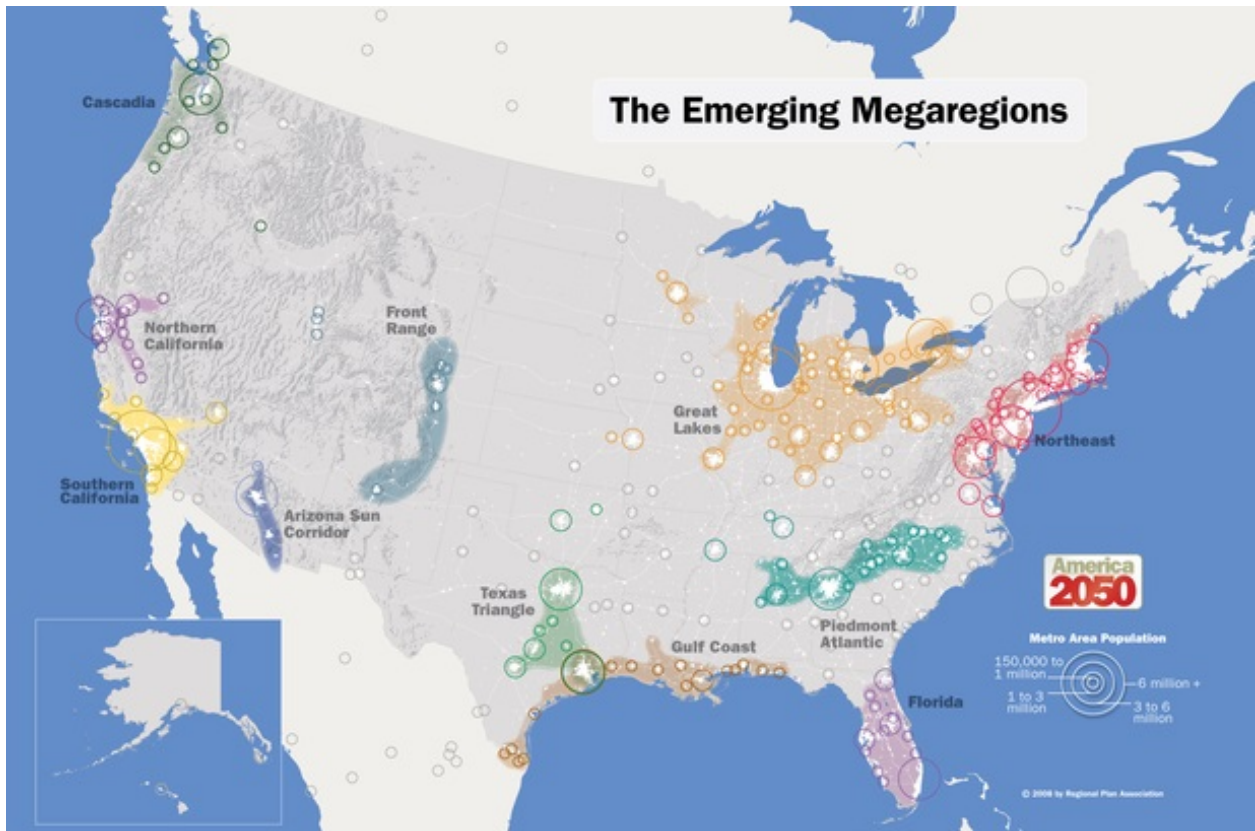
So why are some now pushing for a direct popular vote?

In 2001, after George Bush won the presidency, *though not the popular vote*, law professors (and brothers) Akhil Reed Amar and Vikram Amar proposed that a group of states, through legislation, form a compact wherein they agree to give all of their electoral votes to the national popular vote winner, regardless of the balance of votes in their own state. These state laws would only be triggered once the compact included enough states to control a majority of the electoral college (270 votes), thus guaranteeing that the national popular vote winner would also win the Electoral College.

That's apparently where the most recent version of the National Popular Vote movement got its start.

On its surface, a president elected by a majority of votes nationally sounds simple and logical – what's not to like? But there are pitfalls. For example *and the reason that democrats are in favor of it*, is that it tilts the playing field towards the most populist cities which, for the most part, vote democrat. Like Los Angeles, New York City, Chicago, Philadelphia, etc. In fact, the Amar brothers noted that as few as eleven states could elect a president.

Essentially, the NPV removes the state's role in a presidential election.



Under the NPV, the most populous areas will determine the winner of the popular vote, and therefore, the election.

For example, let's look at the states/jurisdictions that have already signed up: [Hawaii](#), [Illinois](#), [Maryland](#), [Massachusetts](#), [New Jersey](#), [Washington](#), [Vermont](#), [California](#), [Rhode Island](#) and [the District of Columbia](#). And in April, 2014, New York Gov. Andrew Cuomo signed the National Popular Vote (NPV) bill, adding [New York](#) to the total.

Note that the states are all *heavily blue states*. With passage of the New York bill, the [interstate compact](#) now has 61 percent (165 votes) of the electoral votes needed to go into effect.

Although it's not a settled legal fact, proponents maintain that it doesn't require any action by Congress. Here's what they say: NPV is predicated on their interpretation of two powers reserved for the states in the U.S. Constitution: 1) states may decide how to apportion their electoral votes, and 2) they may enter into binding interstate contracts.

It remains to be seen whether this attempt to overturn the current Electoral College practices through the exploitation of a possible legal loophole will pass muster should it go before the Supreme Court.

Some say that the interstate compact is, in fact, an end-run around the constitutional amendment process since Article 1, Section 10 states that: “*No State shall, without the Consent of Congress . . . enter into any Agreement or Compact with another State, or with a foreign Power.*”

Unfortunately, it may take an election decided via the interstate compact before the Supreme Court will hear the case.

Once the accumulation of states representing 270 electoral votes (of the 538 total in the Electoral College) have signed the interstate compact (NPV), it becomes binding on them and they must award their electoral votes to the winner of the national popular vote, thereby neutering the non-NPV state’s role in electing a president. Proponents say that it is not necessary to submit the compact to Congress for approval, while opponents disagree.

A state that has signed the compact may withdraw, but not within the six months leading up to an election. Any withdrawal within that six-month period won’t be in effect until the following election.

Conservatives have good reason to be suspicious of any proposal that is heavily supported by liberals.

The NPV is run by individuals with a history of support for the democrat party and is fully partnered with a George Soros-funded election group, *FairVote*. *FairVote* is a project of the Soros-funded *Center for Voting and Democracy* that advocates for a national popular vote for president. It is funded by Soros’ *Open Society Institute*.

The *Center for Voting and Democracy* was started with a grant from the *Joyce Foundation*, a nonprofit on whose board president Obama was serving at the time of the grant.

And, as the cherry on top, the editorial boards of the *New York Times* and *Los Angeles Times* have also come out in support of the NPV compact.

I’ll say it again: conservatives have good reason to be suspicious of any proposal that is heavily supported by liberals, George Soros, and Obama.

Disadvantages of the Electoral College

Critics say that the system is undemocratic because the number of electoral votes is not directly proportional to the population of the state. This gives smaller states a disproportionate influence in presidential elections. For example, Hawaii has a population of only 1.36 million but has 4 electoral votes while Oregon has a population 3 times that size (3.8 million) but only 7 electoral votes.

Another criticism is that the electoral vote system does not penalize a state for low voter turnout or for disenfranchising its citizens (such as preventing convicted felons from voting). The state gets the same number of votes regardless of whether voter turnout is 40% or 60%.

In a popular vote, states with higher turnout will directly increase their influence in the outcome of the presidential race and states with lax voter requirements stand to produce more voters and increase their influence.

Yet another criticism is that it discourages voters in states where one party holds a substantial majority, i.e. Republicans in blue states like California or Democrats in red states like Texas. Since electoral votes are awarded on a winner-take-all basis, even a significant minority of contrarian votes will not make any

impact on the outcome of the election. On the other hand, if a popular vote were to be used then every single vote has an impact.

Advantages of the Electoral Vote over a Popular Vote

Supporters of using the electoral vote argue that it protects the rights of smaller states and is a cornerstone of American federalism. States can design their own mechanism – without federal involvement – for choosing their electors.

Another advantage is that the impact of any state-level problems, such as fraud, is localized. No political party can commit large-scale fraud in any one state to dramatically influence an election.

Pros and Cons

Here are a few links for those who may want to investigate further the pros and cons of deciding a presidential election via the NPV:

For the pro-NPV viewpoint, here is the [FAQ section](#) from their website.

Why the NPV Interstate Compact won't work – [Michigan Law Review](#).

The [Wikipedia](#) write-up on the NPV also has some pros and cons.

Some opponents of the NPV have based their position at least in part on a perceived partisan advantage of the compact, arguing that the compact would be an “*urban power grab*” and benefit Democrats.

However, others feel that Republicans “need” the compact, citing what they believe to be the center-right nature of the American electorate.

In the last four presidential elections, only the 2000 election was an exception where Gore had the most popular votes, but lost the electoral votes to Bush. If the NPV had been in effect at that time, Gore would have won the presidency. In 2004, 2008, and 2012, the candidate winning the electoral vote also won the popular vote and the NPV wouldn't have changed the outcome.

~~~

Frankly, I'm a little torn on this issue. If I thought our voting population was made up of thoughtful, informed citizens, I could accept a popular vote – it is simple and clean and I'm a big proponent of the KISS method.

But, when millions of voters know nothing about a candidate except the color of his skin, I feel shortchanged that my carefully researched and considered vote is cancelled out by a vote bought by the promise of a free cell phone – it just ain't fair.

And if I also consider who is FOR the NPV compact, I simply have to be against it. Many of the proponents are (in my opinion) untrustworthy and dishonest and I don't want to do anything that furthers their agenda.

What are your thoughts?

[http://www.huffingtonpost.com/curtis-gans/national-popular-vote\\_b\\_1189390.html](http://www.huffingtonpost.com/curtis-gans/national-popular-vote_b_1189390.html)

November 8, 2015 [Huffpost Politics](#)

Edition: **U.S.**

## [THE BLOG](#)



[Curtis Gans](#)

# Why National Popular Vote Is a Bad Idea

Posted: 01/06/2012 3:27 pm EST Updated: 03/07/2012 5:12 am EST



*This blog post is a joint effort with Leslie Francis, former executive director of the Democratic National Committee and Democratic Congressional Campaign Committee.*

As the National Popular Vote (NPV) movement steps up its effort to impose a direct election for president, attempting to enlist states with a sufficient number of electors to constitute a majority (268) and to bind them to the winner of the national popular vote, those states considering the proposal might first reflect on the nightmare aftermath of the 2000 presidential election.

Because there was a difference of less than 1,000 tabulated votes between George W. Bush and Al Gore in one state, Florida, the nation watched as 6 million votes were recounted by machine, several hundred thousand were recounted by hand in counties with differing recount standards, partisan litigators fought each other in state and federal courts, the secretary of state backed by the majority of state legislators (all Republicans) warred with the state's majority Democratic judiciary -- until 37 days after the election the U.S. Supreme Court, in a bitterly controversial 5-4 decision effectively declared Bush the winner.

That nightmare may seem like a pleasant dream if NPV has its way. For under its plan, the next time the U.S. has very close national vote, a recount would not be of six million votes in one state but of more than

130 million votes in all states and the District of Columbia, all with their own rules for conducting a recount.

The horror of a potential national recount is only one of the dangers direct presidential elections poses. Among the others:

- By its very size and scope, a national direct election will lead to nothing more than a national media campaign, which would propel the parties' media consultants to inflict upon the entire nation what has been heretofore limited to the so-called battleground states: an ever-escalating, distorted arms race of tit-for-tat unanswerable attack advertising polluting the airwaves, denigrating every candidate and eroding citizen faith in their leaders and the political process as a whole.
- Because a direct election would be, by definition, national and resource allocation would be overwhelmingly dominated by paid television advertising, there would be little impetus for grass-roots activity. That, in turn, would likely diminish voter turnout.
- Similarly, because a national campaign mandates a national message, there would also be a smaller incentive for coalition-building or taking into account the characteristics, needs and desires of citizens in differing states and regions.
- NPV supporters claim, accurately, that a direct election for president would reduce or eliminate the possibility that a fringe candidate (like a Ralph Nader or Ron Paul) winning five percent or less of the vote in a single state could serve to defeat a major party candidate from the same side of the political spectrum. But the much greater danger to American democracy is that direct elections may make it possible for a president to be elected by no more than 30 percent of the vote, regardless of his or her suitability for office, so long as there is sufficient money and a clever media advisor behind the effort.

The issue raised by the National Popular Vote campaign is fundamental: What kind of a democracy should America be? Their answer is simple: one in which every citizen's vote is equal to every other citizen's vote and one in which the winner of the presidential popular vote, no matter how small his or her percentage is of those who voted, would be elected.

The alternative view of democracy is more complex; it is one that includes but is not limited to the pursuit of equality. That view of democracy recognizes the existence and desirability of organized interests and enshrines that principle under the concept of pluralism. It understands that while the nation is one union, it is also an amalgam of varying experiences and perspectives arrived at via the settings and unique problems surrounding those who live in different places, and that these differences fall within the broad rubric of federalism. *E pluribus unum* -- out of many, one. It is our national motto and is so for a reason.

It sees a healthy and vibrant democracy needing the underpinnings of civil society that rests on the sustained and active engagement of the citizenry and promotes approaches that seek to maximize that involvement. It seeks to be a bulwark against mass hysteria and the hysteria created by mass media. It knows that a majoritarianism that produces a plurality is not the voice of a majority of the citizenry. The Electoral College system, however imperfect, serves this broader view of democracy.

Imperfect, because its modern-day blessings -- enhancing coalition building, pluralism, federalism and grass-roots participation -- are enjoyed only by a minority of states (in any given presidential election 18 or 20), where the battle for electoral votes is competitive for both major parties. The lack of competition and campaigning in a majority of states owes itself not to the existence of the Electoral College's indirect method of choosing presidents but rather to the winner-take-all method of choosing electors in all but two states. If a party knows either that it can't win a single elector in a state or has an easy road to winning all of them, it sends its resources to where it has a competitive chance..

There are alternatives to winner-take-all that do not involve abandoning the positive aspects of the Electoral College. All states could adopt the system that now exists in Maine and Nebraska, where all but two electors are chosen by congressional district, and the other two go to the statewide winner. Or states might explore what was recently proposed in Colorado -- that electors be allocated in proportion to each candidate's share of the popular vote above a certain threshold. Either would provide a reason for both parties to compete in most states because there would be electors to win. Either would likely produce an electoral vote count closer to the popular vote. And unlike direct elections, either would provide an incentive for grass-roots activity, coalition building and enhanced citizen participation.

National Popular Vote proponents argue that the United States has had four presidential elections in which the plurality winner of the popular vote was not chosen as president. It is also true that no president since 1824 has received the votes of a majority of the eligible voters and 18 presidents, including Andrew Jackson, Abraham Lincoln, Woodrow Wilson, Harry S. Truman, John. F. Kennedy, Richard Nixon, Bill Clinton and George W. Bush were elected with less than a majority of the votes cast. In each instance the republic has survived, and democracy has prospered despite the challenges presented. It is not at all clear that it would similarly prosper under the direct election regime being pushed by NPV.

The appeal of NPV is the simplicity of its message. The danger of NPV is that it will undermine the complex and vital underpinnings of American democracy. NPV is more than a third of the way to its goal. The time to stop its momentum is now.