



## **A Republic, If You Can Keep It: Why Substituting More Democracy at the Expense of the Electoral College is a Bad Idea**

by John R. Hendrickson

“A lady asked Dr. Franklin, ‘Well, Doctor, what have we got a republic or a monarchy?’  
—‘A republic,’ replied the Doctor, ‘If you can keep it.’  
Benjamin Franklin<sup>1</sup>

The debate is not new to American politics — whether or not the Electoral College should be replaced by a direct national popular vote for president — but the question, and the resolution, goes deeper than just elections, politics, and representation. It goes directly into the heart of our constitutional Republic. The Electoral College is fundamental to our constitutional system of limited government, federalism, equal representation, and separation of powers.

In the second week of April, the state of Maryland made history when Democrat Governor Martin O’Malley signed legislation allowing the state’s presidential electors to suspend the Electoral College and base their electoral votes on the outcome of the national popular vote. National Popular Vote, a bipartisan organization of Republicans and Democrats who favor eliminating the Electoral College for a direct national plebiscite, are organizing a movement to achieve their goal through the state legislative process.

The National Popular Vote’s objective is to get legislators among the several states to sponsor legislation that “would guarantee the election of the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia.”<sup>2</sup> Currently, National Popular Vote has 305 sponsors of such legislation in 47 states, including Iowa (SSB: 147 and HSB: 147).<sup>3</sup> The objective is to organize the 50 states in an effort to tie all electoral votes to the winner of the national popular vote, even if a state’s majority of citizens voted against that particular candidate.

Advocates of the direct national popular vote believe the Electoral College is a relic. In addition, they argue that the current system reflects voter’s decision on a state-by-state level and not on a national level. The conclusion: A direct national popular vote would be more democratic, recognize the nationwide presidential preference, and truly carry out the dream of equal representation, the famous one man-one vote concept. To many voters this probably sounds like a good idea, but in reality, this is just another attempt to break down and eliminate our constitutional republic.

Before making a constitutional defense of the Electoral College, it is necessary to explain what it is, because the College is one of the most misunderstood concepts in American government. The Electoral College is defined in Article II, Section I of the Constitution, which was later amended under Amendment XII. The Electoral College is a body of electors that are chosen in each state when citizens cast their ballot for a particular presidential candidate. When a presidential vote takes place every four years, citizens are actually voting for electors, rather than the specific candidate. For example, a vote for George W. Bush in 2000 would represent a vote for a Republican elector and vice-versa.<sup>4</sup> The winner of the plurality of votes in November then goes on to win that particular state’s slate of electors.<sup>5</sup> In December, electoral ballots are cast in state capitals and the process is completed in January of the next year when the ballots are counted before a joint session of Congress.

The Electoral College was created by a compromise during the great debates that resulted in the written Constitution of 1787; in fact, the Founders rejected a measure calling for the direct election of the president. The simple argument for keeping the Electoral College is the fact that it works. More importantly we are a nation of “united states.” It is important to remember that the individual states created the Constitution and not the other way around. In addition,

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A Publication of: **Public Interest Institute at Iowa Wesleyan College**

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through federalism, the Constitution gives states sovereign power through the 10<sup>th</sup> Amendment, and the powers of the national government are limited by Article I, Section VIII, which lists the enumerated powers of Congress. In *Federalist # 45*, James Madison wrote: “The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite.”<sup>6</sup> In other words the Electoral College preserves federalism.

Politically speaking, the Electoral College offers equal representation. A direct popular vote would force candidates and elections to be determined by the large metropolitan cities, while the current system allows voters in smaller states to have an equal voice. In addition, a direct popular vote would force presidential candidates and political parties to target their platforms to the wishes of the major urban centers. This system would be great for Boston, San Francisco, or New York City, but not good for rural, small town America. “Voters in southern, Midwestern, and western states — derided as ‘flyover’ country — tend to value family, religion, individual liberty, property rights, and gun rights. Washington elites abhor these values, and they hate that middle and rural America hold any political power whatsoever,” wrote Representative Ron Paul.<sup>7</sup>

The Electoral College also protects from political factions and provides a solid reason for consensus building in presidential campaigns. This INSTITUTE BRIEF can only mention the major arguments surrounding the importance of the Electoral College, but concerned citizens are strongly recommended to read *Securing Democracy: Why We Have an Electoral College*, edited by Gary L. Gregg II, and published by the Intercollegiate Studies Institute.

The term and concept of democracy is being preached in both domestic and foreign policy circles, but we must remind ourselves that our system is a constitutional Republic and not a democracy. As John Samples, director of the Center for Representative Government at the CATO Institute, wrote: “If the Founders had wished to create a pure democracy, they would have done so. Those who now wish to do away with the Electoral College are welcome to amend the Constitution, but if they succeed, they will be taking America further away from its roots as a constitutional republic.”<sup>8</sup>

#### (Endnotes)

<sup>1</sup> Quote taken from *The Founders' Almanac: A Practical Guide to the Notable Events, Greatest Leaders & Most Eloquent Words of the American Founding*, edited by Matthew Spalding, The Heritage Foundation: Washington, D.C., 2002, p. 194.

<sup>2</sup> National Popular Vote, <<http://www.nationalpopularvote.com>> (April 21, 2007).

<sup>3</sup> Ibid.

<sup>4</sup> The Constitution advises electors to use “discretion,” but a majority of states have laws that require electors to vote for their party’s candidate after the candidate has won a plurality of the vote.

<sup>5</sup> Both Maine and Nebraska have a slightly different system based on proportional votes in each district.

<sup>6</sup> Quote taken from *The Founders' Almanac*, p. 154.

<sup>7</sup> Rep. Ron Paul, “The Electoral College vs. Mob Rule,” *LewRockwell.com*, <<http://www.lewrockwell.com/paul/paul214.html>> (April 21, 2007).

<sup>8</sup> John Samples, “In Defense of the Electoral College,” The CATO Institute, <[http://www.cato.org/pub\\_Display.php?pub\\_id=4451](http://www.cato.org/pub_Display.php?pub_id=4451)> (April 21,2007).

*John R. Hendrickson is a Research Analyst with Public Interest Institute.*

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