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## **ASSESSING THE CONCEPT OF THE NATIONAL POPULAR VOTE FOR PRESIDENT OF THE UNITED STATES**

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Good morning, I am Charlie Greenawalt, Senior Fellow of The Susquehanna Valley Center for Public Policy; Host of “Behind The Headlines,” a state-wide public affairs TV show; and a member of the Department of Government and Political Affairs at Millersville University. I wish to thank the Committee for inviting The Susquehanna Valley Center for Public Policy and me to address the issue of the National Popular Vote plan.

The Susquehanna Valley Center for Public Policy is an independent, non-partisan, public policy research organization based in Hershey that stresses accountability, efficiency, and responsibility in government. Therefore, we welcome the chance to meet with you today.

The issue of Electoral College reform has been discussed many times in many different forums. The Susquehanna Valley Center for Public Policy wrote about this issue in 2000 after the presidential election. It came as a surprise to many Americans to learn that our president is not elected by the people but by an institution called The Electoral College. Apparently, our civic and history classes simply do not do an effective job of teaching the subjects of federalism and presidential selection accurately. Many Americans believe that the people elect our president, yet that idea was soundly rejected by our Founding Fathers.

The United States is not a democracy; our “Founding Fathers” rejected the option of direct democracy, viewing it as mob rule. Instead, they chose an “indirect democracy.” Our indirect democracy is a federal republic, a new and unprecedented idea until 1787.

Indeed, in 1787 in Philadelphia our Founding Fathers established a new way of organizing sovereignty that we call federalism. Up to that time, all governments were either unitary or confederal. The genius of the Constitutional Convention was manifested in this new method of organizing government—federalism. The United States, of course, is a federal republic of states, not people, and the state governments had to ratify this new Constitution for it to take effect. Our president is elected by our states, not the people, through the Electoral College. To emphasize that we are a republic of states, Founding Fathers decided to have a bicameral legislature, with the upper chamber—the U. S. Senate—having equal representation based on states with those senators being directly chosen the various state legislatures. That way, the states were clearly represented in our federal government in the Congress.

There are still some observers who question the wisdom of the Seventeenth Amendment to the U. S. Constitution. It deviates from the intentions of our Founding Fathers.

In the United States, two kinds of majorities are needed to govern—a majority of states, as seen in the creation of the U.S. Senate and a majority of the citizens as seen in the creation of the U.S. House of Representatives. Power in this new system that was created was based on both population—as reflected in all of the varied states—and on state sovereignty, a geographic consideration. One should remember that when no candidate receives a majority of the Electoral College votes for the president that the presidential election is then decided in the U.S. House of Representatives, where each state will have one vote. In such deadlocked presidential elections, the vice-president is chosen by the U.S. Senate.

Defending the Electoral College is a thankless task since this is an institution that was once described by the American Bar Association as “archaic, undemocratic, complex, and ambiguous.” Nonetheless, this institution has worked remarkably well throughout the span of American history. We have only had two instances when the undisputed winner of the popular vote lost the Electoral College vote—in 1888 and 2000. Elections in 1824 and 1876 dealt with other complications, and it is useful to remember that hypothetical catastrophes are possible under ANY electoral system.

Five virtues of the Electoral College stand out and are advantageous to our nation. First, the Electoral College is a proven, workable system. Second, it does not restrict presidential campaigning to just a few large, populous states as the National Popular Vote plan would do. Third, it discourages election fraud. Fourth, it preserves a moderate two-party system. Finally, it also produces presidents that are far superior to the national executives chosen by most other nations in the world, with the possible exception of the United Kingdom during the last two and one-half centuries. This list includes George Washington, John Adams, Thomas Jefferson, Andrew Jackson, James Polk, Abraham Lincoln, Grover Cleveland, Teddy Roosevelt, Woodrow Wilson, Calvin Coolidge, Franklin Roosevelt, Harry Truman, Dwight Eisenhower, and Ronald Reagan. We hope that the immediate future will unveil leaders of the same ilk.

The first virtue enumerated for the Electoral College is essentially a conservative argument. Most reasonable people believe that when something works, even with a few imperfections, it should not be easily abandoned for the promise of perfection. Political changes rarely work as intended, and any change might bring real and significant unintended troubles. It also works well by making majorities that would not exist in the popular vote as well as amplifying majorities for some presidents that makes it easier for them to govern. An excellent example of this virtue could be seen in the Clinton presidency.

Making campaigns more accessible to the entire nation is the second virtue. If the National Popular Vote plan would ever be implemented, all presidential candidates would focus their efforts on a handful of large, populous states. Small states would no longer play as great a role in the presidential selection process.

The third virtue of the Electoral College is that it discourages election fraud. This virtue derives from the present system’s divisions of votes into important and less important. In a state with a small number of electoral votes or where the outcome is not much in doubt there is little incentive for widespread election fraud. Such manipulation is only worthwhile in big states such as Illinois, New York, or Florida where presidential elections tend to be close and a large bloc of electoral votes may hinge on a few thousand votes. Under a direct popular system, however, ALL votes are equally valuable and thus

equally worth manipulating. Practices such as voting the dead, multiple voting, and intimidating the opposition, which were once limited to a few communities, might become national in scope. Surely, we all remember the case of State Senator Bruce Marks from Philadelphia.

The final virtue of the present Electoral College system is that a moderate two-party system is preserved. Winning the presidency means winning numerous Electoral College votes. In order to accomplish this end, one must win pluralities in many states, but only a formidable political organization can win in such a way. The only organizations capable of such massive electoral effort are large, diverse, compromise-oriented political parties such as the Democratic and Republican Parties. Without the present-day Electoral College, the incentive to create broad-based coalitions to capture a majority in 20 or 30 states would be considerably reduced. Hence, post-election governance would be more difficult. A president would have to deal with many more people whose primary purpose would be to advance the interests of a particular group or region.

The last virtue of the present-day Electoral College system is its production of presidential leadership of a high caliber during much of our history. Our nation needs this type of excellence in leadership especially now since our nation and the West seems to be at a cross-roads. Many of our current national problems have been caused entirely by poor presidential decisions. Our future depends on producing future leaders who will turn back many of the bad decisions of the last ten years.

While the Electoral College may have few defenders and while its defense may be thankless, this system is one of the cornerstones of our federal system of national governance. It would be a mistake to make changes to our current system of presidential selection without careful consideration of the long-range consequences.