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Popular-vote group eyes Va. for new system

RICHMOND

Four times in American history, a presidential candidate lost the popular vote but still won the nation's highest office.

It happened most recently in the 2000 election between George W. Bush and Al Gore. The people behind the National Popular Vote initiative want to make sure it doesn't happen again.

Their goal is to get legislatures in states representing 270 electoral votes - the threshold needed to secure the presidency - to agree to award the votes to the candidate who wins the national popular vote rather than the candidate who carried the state.

The new system wouldn't take effect until a sufficient number of states adopt it. And there is some debate about whether Congress would have to authorize the compact among states to make it binding.

So far, seven states and Washington, D.C., representing 77 electoral votes, have approved laws making that pledge, according to the popular-vote campaign. California and its 55 electoral votes may soon join that group now that a popular-vote bill has passed its legislature.

An effort is under way to get Virginia, with its 13 electoral votes, to join too. Prominent supporters of the concept will visit the state this week, and lobbyists have been hired to advance the idea here and in other states, despite the failure of past attempts.

The initiative bills itself as a nonpartisan group and boasts support from members of both major political parties and several interest groups.

Among those coming to Richmond are Fred Thompson, an actor, former U.S. senator from Tennessee and onetime Republican presidential candidate; and businessman Tom Golisano, who several times ran as an independent for New York governor.

"I don't think we can afford the luxury of a president coming in who is not legitimate in the eyes of the people," Thompson said, arguing that the change is appropriate given the weighty challenges facing a polarized nation.

The proposed change is permissible under the U.S. Constitution, which specifies that states can award electoral votes in a manner determined by their legislatures, according to officials with the popular-vote initiative.

Arguments for it go something like this: Direct election of the president is more representative of the public will than a winner-take-all system, and it will force presidential candidates to campaign

in states that now are marginalized because they are small or predictably partisan.

"My perception is... it's a more democratic way to elect a president" by enhancing the roles of additional states, said Norfolk Democratic Sen. Yvonne Miller, who sponsored a state popular-vote bill in 2007.

But the idea is not without critics, who have argued the campaign seeks to bypass the Constitution, may not enhance states' influence and could undermine the legitimacy of elections.

Attempts to move to a direct election of presidents aren't new, said John Samples of the libertarian Cato Institute, who said the strategy is fraught with practical and political risks.

It could create uncertainty in future elections as kinks in the new system crop up, such as the possibility of a state trying to withdraw from the compact if the national vote doesn't reflect the sentiment of its voters, Samples said.

What effect, if any, it would have on Virginia election practices is unclear. Virginia State Board of Elections Secretary Don Palmer said the agency hasn't researched what making a change might entail.

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