



National Popular Vote Facing Court Ruling – Eventually

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The move toward a “National Popular Vote,” under which all Electoral College votes from states participating in an interstate compact would go to the candidate with the most popular votes, is moving forward again this year.

Colorado’s new Gov. Jared Polis recently signed a bill adding Colorado to the minority of states, mostly far-left, pursuing the agenda. Two other states reportedly are considering such a move.

The late Phyllis Schlafly wrote several years ago about the plan.

“The NPV slogan ‘Every Vote Equal’ is dishonest because the NPV proposal is based on legalizing vote-stealing. For example, Texas or Louisiana could be forced to cast ... votes for a candidate who won more votes in other states, such as New York,” she explained.

But there’s not likely to be a court challenge right now to the extreme plan that would, if fully implemented, literally give the largest population centers control over every national election.

According to Todd Shepherd’s report at the Free Beacon it’s because right now the plan is only an idea.

It’s not to be activated until states with at least 270 Electoral College votes – enough to name a president – are committed.

The Beacon report explained constitutional and legal experts suggest that if the plan ever is implemented, a legal challenge could create, well, uncertainty.

“Constitutional legal challenges often take years, leading forward-thinking opponents of the effort to ponder the earliest-possible moment to launch a legal challenge in order to avoid a Bush v. Gore-style emergency legal proceeding deciding the presidency,” the report said.

“If a legal challenge were begun after a November presidential vote, it could undermine the legitimacy of the winner, circumstances all-but-guaranteed to produce immense political uncertainty.”

George Mason University law professor Ilya Somin told the Beacon, “It would be very unpleasant and dangerous for the country if the lawsuit were to happen under those circumstances.”

“It is possible that a lawsuit could be launched earlier than that, at the point where they have 270 electoral votes worth of states but there isn’t any election or crisis going on.”

The Beacon explained John Samples, of the CATO Institute, agreed.

“I think the reason you’ve seen nothing so far is it’s not actionable yet,” he said.

The plan is only “an agreement” at this point.

“The compact is designed in such a way that it doesn’t come into existence until you get that state that provides the [270 vote] majority. So you have to have states with a majority of Electoral College votes before the compact exists. So it doesn’t now, and presumably anyone that sued to stop this would lack standing,” he said.

The report explained the law requires standing for a lawsuit – a plaintiff must have proof he or she was harmed or faces that threat, because of the change.

The compact isn’t in force yet, so there have been no damages, yet.

Also, the report explains the Constitution forbids states from entering into compacts with other states without congressional approval.

Schlafly, at the time, explained, “The NPV campaign lets people believe that NPV will elect presidents who win the majority of popular votes, but that is false. Because of third parties, we’ve had many elections ... when no presidential candidate received a popular-vote majority.”

“If the NPV lobbyists can get enough states whose votes in the Electoral College total at least 270, they will be able to steal votes away from some candidates, transfer those votes to another candidate and thereby construct a fake majority in the Electoral College,” she said.

“People who pretend that the Electoral College system is undemocratic are not only ignorant of the history and purposes of the U.S. Constitution, but they probably don’t even understand baseball. Basing the election on a plurality of the popular vote while ignoring the states would be like the New York Yankees claiming they won the 1960 World Series because they outscored the Pirates in runs 55-27 and in hits 91-60. Yet, the Pirates fairly won that World Series, 4 games to 3, and no one challenges their victory.”

The absence of understanding of the Electoral College was illustrated during the 2018 election.

It was liberal blogger Amanda Marcotte who fretted that while the Republicans “lost the popular vote in Senate races,” they still picked up seats.

She wrote, “Republicans lost the popular vote in the Senate races by over 15 percentage points, but still gained two seats ... Our country is not a democracy.”

A post on the Twitter news aggregating site Twitchy said she got the fact that the U.S. is not a democracy “accidentally” right.

“Oh good, another raging leftist pretending that the popular vote matters in the Senate ... good ol’ Amanda Marcotte decided to throw her ‘popular vote’ opinion into the fray.”

It's an issue because Democrat Hillary Clinton during the 2016 president election made a point of the fact that she collected more votes nationally than presidential election winner Donald Trump.

But Trump ended up with a huge margin of victory in the Electoral College, the constitutionally mandated process in which presidential elections are decided state by state.

Twitchy explained to Democrats that the Senate represents the states "not the people."

Twitchy posted a tweet by Rachel Bovard saying "everyone understand how dumb of an argument this is, right? Democrats had 26 seats up. GOP has 6. Of course there were more votes for Dems