

OPINION

January 14, 2021

NPV Compact: Affront To Virginians, Danger To Our Nation

By MICHAEL C. MAIBACH

Alexandria's State Sen. Adam Ebbin and Del. Mark Levine swore to uphold the US and Virginia Constitutions. And yet now they want the legislature to enact an end-run around our Constitution, a radical scheme called the "National Popular Vote Interstate Compact" (NPV). If enough states join the Compact to reach 270 Electoral College votes, those states are then pledged to award their electoral votes to the winner of the national popular vote no matter for whom the majority of Virginians' vote.

These legislators want voters in New York, Texas, and California to control Virginia's Presidential electors. If Virginians vote a different way, too bad. Consider that Los Angeles County has 10 million people, more than 41 states, New York City has more people than all of Virginia. If NPV passes, why even vote here in the Commonwealth?

Consider the electoral mayhem NPV could unleash on an already deeply divided America:

Election By the Supreme Court: As we learned in 2020, states have quite different election procedures. The US Supreme Court recently rejected an attempt by Texas to sue Pennsylvania over how it ran its election.

But the NPV Compact may create standing to sue among Compact members. If so, states will sue other states and the US Supreme Court may select our President every four years.

Recounts & Constitutionality: Under the NPV, in a close Presidential election a "national recount" would be demanded and yet impossible. States have different laws on when and how recounts are conducted. And surely the states who are not members of the Compact will sue under the Constitution's "compact clause" and other provisions, claiming that the NPV is unconstitutional.

Nationalization of Elections: NPV's legal and process dysfunc-

tions will lead to a federal takeover of elections to address the differences in how states run elections. Do we really want an incumbent President's administration in charge of elections in our 50 states?! Federalism makes elections a state responsibility and isolates fraud and recounts in individual states. In 2000 we experienced an election nightmare in Florida. The NPV may produce Florida - times fifty!

The US "Two-Step" Process Is Similar To Most Republics: Among the 27 nations of the European Union, only France and Cypress have a direct popular election of their Head of Government. In the other 25 nations, the Head of Government is elected by Parliament, which is elected by the people. The same is true in Canada, Japan, Australia, New Zealand, Norway, Israel, Switzerland, and the UK. Winston Churchill was never on the ballot across the UK, only in his London constituency.

The Wisdom of the US Consti-

tution: Delegates from 13 states wrote the Constitution, the Constitution did not create the states. They rejected Congressional election of our President - the British Prime Minister system. They sought to give a voice to every state and the aggregation of the choices in our 50 states selects our President. We do have "one man, one vote" - in our 50 states.

We are "a Nation of States," reflecting the rich diversity of our Nation - from Manhattan to Mobile to Montana. And the Presidential votes of Virginians can and must reflect the rich diversity of our Commonwealth every four years. If one wishes to amend the Constitution, there is an agreed path to do so. Our legislators must respect and safeguard the Presidential votes of Virginians! That is what they swore to do when we elected them.

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Alexandria
Gazette Packet

www.AlexandriaGazette.com

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An independent, locally owned weekly newspaper delivered to homes and businesses.

Published by
Local Media Connection LLC

1606 King Street
Alexandria, Virginia 22314

Free digital edition delivered to your email box. Go to connectionnewspapers.com/subscribe

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