

June 29, 2011

Dear Governor:

We are writing to express our strong opposition to a dangerous state legislative effort that would jettison a nearly 220-year old system for electing U.S. presidents and to ask your help in defeating it. Known by its advocates as "National Popular Vote", this back-door effort to eliminate the Electoral College was started by a small group of liberal activists in the wake of the 2000 presidential election, and it must be stopped.

The goal of this effort is clear: to put the fate of every presidential election in the hands of the voters in as few as 11 states and thus to give a handful of populous states a controlling majority of the Electoral College. And it is quietly gaining momentum. State legislators and governors in seven states and the District of Columbia have already agreed to turn their backs on the Founders' plan for ensuring the participation of a broad regional diversity in the outcome of elections. If just a handful of other states sign onto this scheme, the shape of U.S. presidential elections could be changed forever. Electors would no longer be accountable to the voters in the states they are from, but instead to a compact of bigger states.

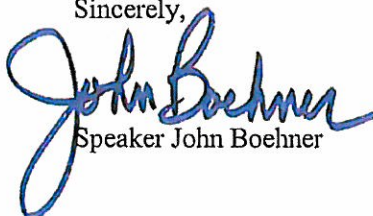
The dire and far-reaching consequences of this effort range from the legal to the practical. As to the former, the Constitution is clear in how to set up the Electoral College and how to change it: by a constitutional amendment requiring the ratification of 38 states. Anything short of that would invite a constitutional challenge. As for the practical, the challenge of reconciling the differences in election law among the states should be obvious. One state's electoral votes could end up being cast by voters who are ineligible to vote in another state; or candidates could end up being elected with the electoral votes of a state in which they weren't even qualified to be on the ballot.


Moreover, states that sign onto this plan could withdraw from it ahead of any election in which their favored candidate is expected to lose the national vote, destabilizing elections even further. And the potential for mischief in a recount scenario is endless. Since states that sign onto the National Popular Vote plan agree to throw their votes in for whichever candidate wins the popular vote nationally, the likeliest outcome in a close election would be a recount reminiscent of Florida in 2000 in every single state. This would result in endless litigation, making it highly unlikely that a President would be able to assume office on January 20th.

The Electoral College is not some footnote to the founding of the Republic. Rather, after considerable debate over various options – from the national popular vote to election by the House of Representatives – it was decided upon as one of numerous checks on the aggregation of power in any one place or among any particular group. It underscores the importance of federalism to the founders and it embodies the balance they aimed to achieve through deference to states with smaller populations and by ensuring that the interests of these states be reflected in national decision-making.

For these reasons, we urge you to work with your state legislators to ensure that this unconstitutional proposal never sees the light of day. The stability of presidential elections depends on it.

Sincerely,


Speaker John Boehner


Republican Leader Mitch McConnell


Governor Rick Perry