

Elect the U.S. President & Vice President by Popular Vote

WHEREAS the Electoral College was established in Article II, Section 1, Subsections 2 and 3 of the U.S. Constitution as a compromise between election of the President by a vote in Congress and election of the President by a popular vote of qualified citizens, and provides for choosing the President and Vice President of the United States by appointed Electors instead of by the direct popular vote of eligible American voters;

WHEREAS The Archivist of the United States was required by law to perform certain functions relating to the Electoral College (i.e., 3 U.S.C. Sections 6, 11, 12, 13), and the Archivist has delegated to the Director of the Federal Register the authority to carry out the administration of the electoral college process;

WHEREAS the Electoral College distorts the political process by: 1) motivating candidates to focus campaign efforts in states with large numbers of electoral votes or specific geographic regions at the expense of others, 2) discouraging a candidate from seeking support from a broad, demographic spectrum of voters, 3) encouraging minor party candidates who become spoilers in close elections, 4) motivating candidates to not campaign in states they think they are sure to win or have no chance to win, 5) allowing Electors to choose any candidate regardless of who won their state, 6) assigning more weight to the vote of a person in one state over the vote of a person in another state, and 7) marginalizing the vast majority of minorities;

WHEREAS H.J.Res 19 and H.J.Res 65 have been introduced in the U.S. House of Representatives for the 115th Congress, each of which would result in amending the U.S. Constitution to abolish the Electoral College, but do not address the role of the Archivist of the United States with regards to the Electoral College; and

WHEREAS the National Popular Vote Interstate Compact is now approved by 10 states, plus Washington D.C., with 165 out of the 270 electoral votes needed for it to have the force of law requiring their electors to vote for the presidential candidate winning the general election national popular vote, but it would likely be declared unconstitutional by the courts.

THEREFORE BE IT RESOLVED that we, the Jefferson County Democrats, call on the Washington State Democratic Party to urge its congressional delegation to cosponsor H.J.Res 19 or H.J.Res 65 and to introduce or cosponsor legislation, to take effect after the constitutional amendment is ratified, that amends 3 U.S.C., Sections 6, 11, 12, and 13 to remove all requirements for dealing with the Electoral College by The Archivist and the Office of the Federal Register, and revise similarly the website of the National Archives and Records Administration;

THEREFORE BE IT FURTHER RESOLVED that we, the Jefferson County Democrats, call on Representative Kilmer to cosponsor H.J.Res 19 or H.J.Res 65 and to introduce or cosponsor legislation, to take effect after the constitutional amendment is ratified, that amends 3 U.S.C., Sections 6, 11, 12, and 13 to remove all requirements for dealing with the Electoral College by The Archivist and the Office of the Federal Register, and revise similarly the website of the National Archives and Records Administration; and

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THEREFORE BE IT FINALLY RESOLVED that we, the Jefferson County Democrats, call on Senators Cantwell and Murray to introduce or cosponsor a companion bill to H.J.Res 19 or H.J.Res 65 and to introduce or cosponsor legislation, to take effect after the constitutional amendment is ratified, that amends 3 U.S.C., Sections 6, 11, 12, and 13 to remove all requirements for dealing with the Electoral College by The Archivist and the Office of the Federal Register, and revise similarly the website of the National Archives and Records Administration.

Submitted by the Jefferson County Democrats to the Washington State Democratic Central Committee for consideration at its meeting scheduled for September 15-17, 2017.

Submitted to the Jefferson County Democrats on April 25, 2017 by:



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65 **Supporting Documentation**

Supporting Documentation

Lines 3-7 – Electors and Electoral College

United States Constitution, Article II, Section 1, Subsections 2 and 3:

“2: Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

3: The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall ...”

National Archives & Records Administration; U.S. Electoral College website at <https://www.archives.gov/federal-register/electoral-college/about.html>

Lines 9-12 – Federal Register and the National Archives

Responsibilities of the Office of the Federal Register and the National Archives and Records Administration (NARA) in the Presidential Election are described at <https://www.archives.gov/federal-register/electoral-college/roles.html#contacts>.

Lines 14-22 – Problems with the Electoral College

Washington Post; Five myths about the electoral-college; November 2, 2012; by George C. Edwards III. Read Mr. Edwards Opinion at https://www.washingtonpost.com/opinions/five-myths-about-the-electoral-college/2012/11/02/2d45c526-1f85-11e2-afca-58c2f5789c5d_story.html?utm_term=.3ed5b73a165e.

SALON; WHOSE VOTES Whose votes count the least in the Electoral College? It’s not California or Texas; March 17, 2017; http://www.salon.com/2017/03/17/whose-votes-count-the-least-in-the-electoral-college_partner/

Los Angeles Sentinel; The National Popular Vote Would Empower Minorities; April 5, 2017; by Former Wisconsin US Senator Russ Feingold; <https://lasentinel.net/the-national-popular-vote-would-empower-minorities.html>

109 *Diffen – Compare Anything*; Electoral Vote vs. Popular Vote;
110 http://www.diffen.com/difference/Electoral_Vote_vs_Popular_Vote
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113 Lines 24-27 – Bills Introduced to Abolish the Electoral College
114

115 H.J.Res.19 - Proposing an amendment to the Constitution of the United States to abolish the
116 electoral college and to provide for the direct election of the President and Vice President of
117 the United States. Sponsored by Rep. Steve Cohen (D-TN-9); introduced 01/05/2017.
118 Referred to the Subcommittee on the Constitution and Civil Justice. [Check it out here.](#)
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120 H.J.Res.65 - Every Vote Counts Amendment. Sponsored by Rep. Gene Green (D-TX-29);
121 introduced 02/07/2017. Referred to the Subcommittee on the Constitution and Civil Justice.
122 [Check it out here.](#)
123

124 Lines 29-32 – National Popular Vote Interstate Compact
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126 *Wikipedia*; National Popular Vote Interstate Compact; its description and history can be
127 found at https://en.wikipedia.org/wiki/National_Popular_Vote_Interstate_Compact.
128

129 NationalPopularVote.com; Status of National Popular Vote Bill in Each State; read about
130 the current status at <http://www.nationalpopularvote.com/state-status>.
131

132 *Common Cause*; Fix the broken Electoral College - It's time for National Popular Vote;
133 [http://www.commoncause.org/take-action/act/fix-the-broken-electoral-college-national-](http://www.commoncause.org/take-action/act/fix-the-broken-electoral-college-national-popular-vote.html?gclid=CMLs9dzEldMCFZSIfgdpVEL6Q)
134 [popular-vote.html?gclid=CMLs9dzEldMCFZSIfgdpVEL6Q](http://www.commoncause.org/take-action/act/fix-the-broken-electoral-college-national-popular-vote.html?gclid=CMLs9dzEldMCFZSIfgdpVEL6Q).

- 135 ● Common Cause claims, with the Electoral College, candidates need only campaign
136 in a relative small number of swing states, but that if its National Popular Vote
137 became law, it would also force candidates to spend time engaging with voters in all
138 50 states. I disagree because candidates would only need to campaign in the most
139 populous states where they could maximize the impact of their appearances, and the
140 wide television coverage of rallies, debates and town halls enable voters to learn
141 about the candidates without the need to see them in person.
- 142 ● Common Cause claims that states can decide how they award their electoral vote, so
143 if enough states require their electors to vote for the winner of the nationwide
144 popular vote it would fix the problems of the Electoral College without needing to
145 amend the Constitution. I believe this is incorrect because Article II, Section 1,
146 Subsection 2 authorizes the states to appoint Electors in any manner they choose, but
147 Subsection 3 gives Electors the right to vote for the candidate of his or her choice;
148 neither subsection allows the state to dictate the choice by its Electors and any laws
149 authorizing states to do so would likely be unconstitutional.
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