

The Electoral College saved democracy | COMMENTARY

By Michael J. Goff

For The Baltimore Sun |
Jan 18, 2021 at 6:00 AM



Vice President Mike Pence and Speaker of the House Nancy Pelosi, D-Calif., read the final certification of Electoral College votes cast in November's presidential election during a joint session of Congress after working through the night, at the Capitol in Washington, Thursday, Jan. 7, 2021. Violent protesters loyal to President Donald Trump stormed the Capitol Wednesday, disrupting the process. (AP Photo/J. Scott Applewhite, Pool) (J. Scott Applewhite/AP)

On Jan. 6 and 7, for the 59th time in our representative democracy's history, Congress counted and accepted the Electoral College vote, making Joe Biden the 46th president of the U.S. This was despite a relentless and unprecedented effort by the sitting president and his allies, who have been hell bent on subverting that process.

The Electoral College had voted 306 for Mr. Biden and 232 for Trump on Dec. 14, and this final step completed the constitutional process, once again ensuring that the citizenry of the nation, voting state-by-state in separate state elections, elected the next president of the United States.

The Electoral College is always getting a bad rap. Yet it is the means by which the Founders ensured that presidents serve a term of office with a specific end date, and that they receive a new term only when chosen again by the people. It's time to give the states and the Electoral College credit for ensuring that presidential elections work — by keeping the incumbent president and Congress out of the process and instead putting the states in charge.

What worked so well in 2020?

For starters, the 2020 presidential election was run by each of the 50 states and the District of Columbia, each one in its own separate jurisdiction, each one under laws established by its own legislature, far from the power center in Washington, D.C.

The president can attack, and some in Congress can kowtow to him, but how the presidential election in each state is conducted is the responsibility of each state. Under the U.S. Constitution, the president has nothing to do with how the presidential election is run — and he shouldn't.

The Electoral College puts presidential elections in the hands of the states, with the results in each state standing separate from every other state. That is what ultimately meant that Texas' last-minute effort to upend the election by challenging the results in four other states was doomed to fail. Because those other states' presidential elections indeed were totally separate from Texas, and the vote totals and margins in each of the other states had absolutely nothing to do with Texas' results.

Those who attack the Electoral College do not understand the indispensable constitutional and electoral function that it serves.

If we did not have the Electoral College and instead just counted the so-called national popular vote, the state vote totals would have been all mixed together in a national vote total. States would not be able to defend their separate state-based presidential elections because they would not be separate, as the votes and the vote margins in each state would all be mixed together nationwide.

Now more than ever we must see that presidential elections need to be totally apart from the sitting president, and, as this month's shameful display in Congress demonstrated, as far apart as possible from Congress as well. Our prescient Founders realized this, and they built a structure — the Electoral College and the system of state-by-state presidential elections — that provides as much protection against federal abuse of power as possible.

Just 17 words in Article II, Section 1 of the U.S. Constitution, probably the handiwork of James Madison, saved the day: “Each state shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors ...”

These words in the U.S. Constitution — and tens of thousands of dedicated state election officials working under the authority of this constitutional provision — preserved our democracy.

At a time when so many are bemoaning all that is wrong with our government, it is time to give our U.S. Constitution, the Electoral College, and the unique power of states over presidential elections, credit for protecting democracy, which the Founders positioned our system of presidential elections to defend and preserve.

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