

both houses of Congress by historic majorities, they did nothing about electors, though they had lost the presidency to an unelected appointee just eight years earlier.

Donald Trump's election revived interest in dealing with the problem. According to the National Conference of State Legislatures, "2016 was a year for unexpected events—not least of which was the amount of attention paid to the Electoral College, and that ... resulted in a bumper crop of legislation related to it" in 2017.

In 2017, Democrats in the Nevada Legislature—who took majorities in both houses after two years of GOP primacy—considered but rejected a measure under which Nevada would join the Agreement Among the States to Elect the President by National Popular Vote, currently approved by 12 states—four small states, four medium states and four large states. The measure received one hearing and died.

Assembly Democratic floor leader Teresa Benitez Thompson said a 2019 bill drafting request has been submitted dealing with presidential electors. We searched the BDRs for "elector" and "presidential electors" but got no hits.

Thus, the system remains the same, and the Democrats remain vulnerable to losing future appointments.

There is a popular belief that the presidential elector system is good for small states, but Nevada was assiduously ignored by presidential candidates until this century, and now it is not the elector system that attracts them. Under the current polarized political environment, most states are locked up early

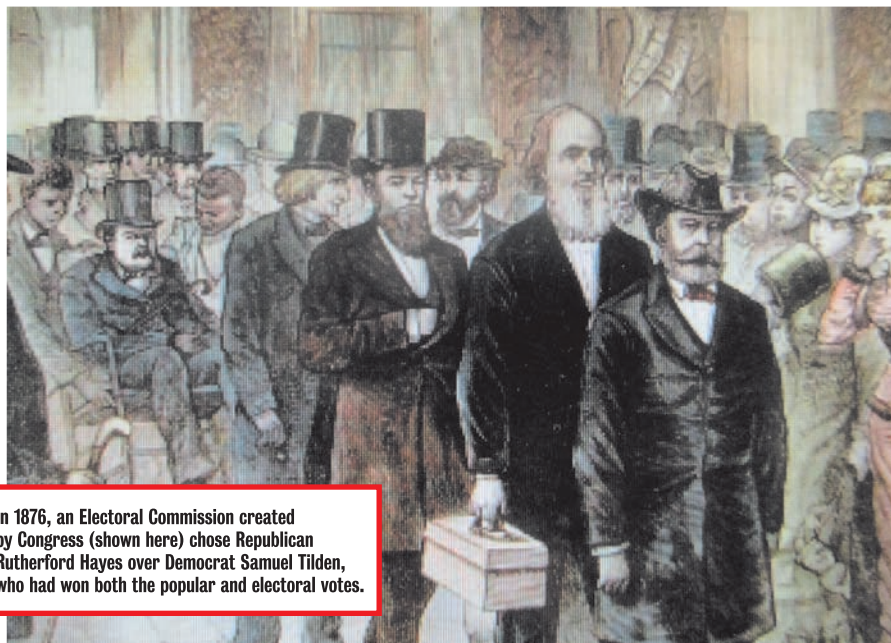
for one candidate or the other. Nevada, as one of 12 swing states, now gets presidential candidate visits it never got before. That would be true if there were no elector system. As the National Popular Vote website put it, "The only states that received any attention in the 2012 general election campaign for president were states within 3 percent of the national outcome." The same held true in 2016. Candidates target or ignore states based on how to win, not on their electors.

Interestingly, one of the founders—delegate John Francis Mercer of Maryland—argued that elected officials could enrich themselves, though it is an appointed president—Donald Trump—members of his family who are allegedly doing so. "Elective governments also necessarily become aristocratic because the rulers, being few, can and will draw emoluments for themselves from the many," Mercer said. "The governments of America will become aristocracies."

Trump is being sued by Maryland and D.C. for allegedly violating the Constitution's "emoluments" clause, which forbids federal officials from accepting gifts or payments for services or labor from U.S. states or foreign states. Maryland and D.C. have been prevailing in court on various issues, but Justice Department officials—who for some reason are representing Trump—are trying to slow the case to a crawl with a flurry of procedural motions.

In the first 18 years of this century, appointed presidents have served during 10 of them. How healthy can it be for a democracy to be led so often by presidents the public rejected? □

The elector system didn't get Nevada anything.



In 1876, an Electoral Commission created by Congress (shown here) chose Republican Rutherford Hayes over Democrat Samuel Tilden, who had won both the popular and electoral votes.

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