

# **An Evaluation of the National Popular Vote Proposal for Electing the President of the United States**

**John Samples  
The Cato Institute**

**(Working Paper)**

The National Popular Vote group (hereinafter NPV) has proposed an interstate compact to bring about direct election of the president of the United States. The compact becomes valid once states with a majority of presidential electors sign on.<sup>1</sup> This paper examines the relative gains and losses among the states from the NPV plan, sets out its differences from the status quo, and evaluates its costs and putative benefits.

## **Relative Gains and Losses from Direct Election**

The U.S. Constitution allocates electors to the states on the basis of their population and their equality (Article II, section 1). The constitutional plan for election of the president thus ensures that the most populous states will be less influential in electing the president than they would be under a direct election proposal. The equality of state representation in the U.S. Senate causes this difference. But the loss of influence may not be large.<sup>2</sup> The constitutional plan also reflects population by allocating electors according to House membership, and the House has over four times as many members as the U.S. Senate.

Table 1 estimates the gains and losses for each state associated with moving from the constitutional plan for electing the president to direct election.<sup>3</sup> I have constructed a measure of the relative gain or loss in influence over the presidential election for each state.<sup>4</sup> Twenty states may expect to gain from moving to direct election. Most of these gains are quite small. Six states may expect to gain more than 10 percent in influence according to this measure. In contrast, twenty-nine states and the District of Columbia lose influence from the move to direct election. Of those, twenty states and the District of Columbia may be expected to lose more than 10 percent of their influence over the presidential election by the change.

The twenty states that may expect to gain from the change control 321 electoral votes, 51 more than a majority. The states that gain substantially from the change (more than 10 percent) control 121 electoral votes. If legislatures care only about relative gains in influence, there are enough states that gain to sustain an interstate compact that would theoretically elect a president. However, that electoral majority comprises states that gain only marginally from the change.

According to the Constitution, states require the consent of Congress to enter into an interstate compact (Article I, sec. 10). If state legislatures care only about relative losses from moving to direct election, the U.S. Senate will have 58 votes against approving the NPV interstate compact. States that lose more than 10 percent of their influence would collectively cast 40 votes in the U.S. Senate to sustain a filibuster of the NPV compact. Since the proposed compact would have to pass Congress before states could sign on, I conclude that if we consider the relative gains and losses only of the states, the NPV proposal will not succeed. The states that would be harmed by a move to direct election are also the states that would be harmed by a constitutional amendment to enact direct election.

Either a simple majority or the supermajority cloture rule appears to be enough to stop the NPV compact insofar as state gains or losses in influence are the only factor taken into account.<sup>5</sup> Of course, states that pass the NPV proposal to increase their influence cannot complain if other states who expect to lose influence block the compact in Congress or in the Senate. If the representatives in all states act on the basis of raw political advantage, the compact is doomed.

The data in Table 1 also enable us to explore some conjectures made about whose interests would be served by a move to direct election of the president. It has been said, for example, that Democratic presidential candidates would be well served by that change, perhaps because states with large urban populations count for less under the electoral college than they would under direct election. Some have also argued that African American voters would have more influence under a direct election system. I have assessed these claims by examining statistically the relationship between the relative gains and losses to a state of moving to direct election (dependent variable) and Democratic vote share, relative urbanity of a state, and a state's African American population (independent variables). If Democrats gain from moving to direct election, we should find a strong statistical relationship between the Democratic vote share in states and their relative gain from moving to direct election, even when we control for the urbanization of a state and its African American population. The summary of the results of the relevant regression may be found in Appendix 1.

The Democratic vote share in the states is negatively related to the relative gains or losses of direct election in the states. That suggests the Democrats would not gain from moving to direct election of the president. However, the finding is not statistically significant. Indeed, none of the relevant variables attains a conventional measure of statistical significance. The urban measure comes

closest to significance but has little effect on the measure of gain or loss. The African American population variable has a p value of .08 and a reasonably strong relationship in the correct direction. In general, the conjecture that Democrats would gain from direct election cannot be accepted.

This analysis suggests some empirical reasons why the Constitution's manner of electing the president has been stable. Considering only relative influence, a constitutional amendment would be blocked by the eighteen states that would lose more than twenty percent of their influence through the change. We also should not underestimate the power of apathy: twenty-four states gain or lose less than 10 percent by moving to direct election. The absence of a clear partisan advantage may also stabilize the constitutional plan. Given all this, direct election of the president will only come about winners convince the losers (and the apathetic) that direct election should be adopted for normative reasons (and not for reasons of political advantage).

The balance of this essay will consider normative arguments for the NPV proposal to attain direct election of the president. I begin by setting out the differences between the Constitution's method of election and the NPV plan.

## **The NPV Proposal and the Status Quo**

The U.S. Constitution provides for the election of the President of the United States in Article II, section 1 of the main body of the document and in the Twelfth Amendment. Article Two states: "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.” The Twelfth Amendment provides for the casting of electoral ballots, a majority of which suffice for election.

The constitutional status quo may be contrasted with direct election of the president. Direct election would mean each eligible voter had one vote for the office and that a majority or a plurality would suffice for election. In the current way of electing a president, the states are important. In creating electors, the Constitution considered states and population. State legislatures also decide how to allocate their electors. Each state constitutes an electoral district. In direct election, each voter counts equally in voting though perhaps not in outcomes. If a plurality suffices for election, a majority of voters may have chosen someone other than the winner. In direct election, the nation is the electoral district.

Under direct election, by definition the electoral result would reflect the popular vote. The question would remain whether a plurality or majority of the popular vote would determine the winner. The Constitution does not preclude or require the states to allocate their electors in any particular way; a state may divide its electors according to the outcome of the popular vote. If each state did so, the overall division of electors might not reflect the national popular vote precisely because of differences caused by translating a continuous variable (popular vote) into a discrete one (electoral votes).

In practice, almost all states have selected a winner-take-all rule for allocating their electoral votes. The candidate that receives a plurality of the votes in a state receives all of its electoral votes. The exceptions are Maine and Nebraska. Both divide themselves

into districts and allocate an electoral vote to each district; the remaining two votes are given to the winner of the popular vote in the state. The winner of the overall vote, however, need not win all the electoral votes.

The NPV plan does not enact direct election of the president. That would require a constitutional amendment, and NPV does not advocate changes in the basic law. Instead, NPV entreats states to enter into an interstate compact by which each contracting state agrees to cast its electoral votes for the winner of the national popular vote. The compact will become obligatory when states whose votes compose a majority of all electoral votes agree to its terms. The NPV plan proposes a winner take all system. The winner, however, will be the winner of the national popular vote who then takes all of each contracting state's electoral votes.

We may summarize the differences between the two ways of electing a President. The constitutional plan assigns importance to the states in electing the president. NPV recognizes only a national electoral district in which individuals cast equally-weighted votes. The states matter only as contractors to the NPV compact; the agreement itself makes the allocation of state electors a function of a plurality or majority of voters in the national district. The constitutional plan does not restrict how states may allocate their electors although almost all have chosen a winner-take-all system. NPV requires the states to have a winner-take-all system that follows the votes of a national plurality or majority. The actual majority or plurality vote for president in a state has no influence on the election of the president.

In general, NPV proposes two changes to the current means of electing the U.S. president. It eliminates states as electoral districts in presidential elections. It creates through a state compact a national electoral district for the presidential election. In that way, the NPV advances a national political identity for the United States.

## **Costs of the NPV Proposal**

### **Legitimacy and Constitutional Procedure**

The Oxford English Dictionary defines legitimate as “conformable to law or rule; sanctioned or authorized by law or right; lawful; proper.” Similarly, the same dictionary defines the noun legitimacy as “the condition of being in accordance with law or principle.” The word itself can be traced to a Latin root that means “to be declared lawful.” A legitimate government action should conform to the law and ultimately to the fundamental law, the U.S. Constitution. This would be particularly true for actions that changed the law and especially the fundamental law. If *any* action changing a law could be considered legitimate, the fundamental law would be irrelevant for practical purposes. A second, related meaning of legitimacy may be found in the social sciences: “to ask whether a political system is legitimate or not is to ask whether the state, or government, is entitled to be obeyed.”<sup>6</sup> The idea of legitimacy thus links “being in accordance with law” with being worthy of being obeyed.

Article V of the U.S. Constitution provides a procedure for amending the fundamental law. It depends on demanding supermajorities; typically, an amendment requires approval by two-thirds of Congress and three-fourths of the states. The supermajorities tend to inhibit amendments, but it does not preclude them. It does favor amendments that have broad support. The amendment process thus protects significant (but not quite small) minorities.

The supporters of NPV concede that their proposal seeks to circumvent the amendment process in the basic law of the United States. The prominent journalist, E.J. Dionne wrote of the NPV plan: “this is an effort to circumvent the cumbersome process of amending the Constitution. That's the only practical way of moving toward a more democratic system. Because three-quarters of the states have to approve an amendment to the Constitution, only 13 sparsely populated states -- overrepresented in the electoral college -- could block popular election.”<sup>7</sup> Some who believe the constitutional method of electing the president should be changed agree that the NPV plan circumvents the Constitution. The editorial board of the Milwaukee Journal Sentinel concluded, “The U.S. Constitution, when it comes to the Electoral College, is flawed. However, rather than take the direct route to fix that amending the Constitution this proposal simply subverts it. This method complies with the letter of the Constitution but violates the spirit.”<sup>8</sup> To be sure, the states are empowered by the Constitution to appoint electors “in such Manner as the Legislature may direct” which presumably includes in accordance with a plurality of the vote in a national electoral district. But the NPV proposal clearly seeks to use a legitimate means to institute an illegitimate procedure for electing the president. One might wonder why anyone should consent to the election of a president who has come to power through illegitimate means.

E.J. Dionne's comment quoted earlier suggests that the demands of democracy should take precedence over constitutional constraints on the will of the people. The current means of electing the president does slightly reduce the influence of states that comprise a large majority of the eligible voters in the United States. Democracy in this regard may be taken to mean: the majority shall rule. Here again we have a question of legitimacy. The United States was designed to be a republic, "a government which derives all its power directly or indirectly from the great body of the people."<sup>9</sup> It was not designed to be a government ruled by unconstrained majorities.

Apart from this issue, we might suspect that no one believes in the principle of unconstrained majority rule. Would E.J. Dionne agree that he wishes a majority should trump the Constitution's guarantee that Congress shall make no law abridging freedom of the press? Substantial majorities have long favored term limits for state legislators and members of Congress. The U.S. Supreme Court has decided term limits for Congress violates the qualifications clause of the Constitution. Should members of Congress nonetheless be term limited by majority decision in their states? The number of constraints against majority rule could be extended, but the point has been made. Circumvention of the Constitution in the name of majority rule cannot be legitimate in the United States.

In sum, the NPV group poses the question whether we wish to have legitimate presidential elections and a constitutional government. If the NPV proposal succeeds, we will have less of both, at the margins.

## **Nationalization**

The U.S. Constitution allocates presidential electors according to the federalist principle.<sup>10</sup> Critics feared the new Constitution would centralize power and threaten liberty as well as subordinate the smaller states to the larger. The founders sought to fashion institutional compromises that responded to the concerns of the states and yet created a more workable government than had existed under the Articles of Confederation. With regard to presidential elections, they pursued a middle course that rejected both election by state legislatures and election by a national popular vote. The constitutional plan instead offers a compound means of election in which the states are considered as both co-equals in an association and as unequal members.<sup>11</sup> This same balancing of state and national elements may be found at other places in the Constitution. This general preference for federalism signaled that the new Constitution would not be wholly national in character and that the national government would part of a larger design of checks and balances that would temper and restrain political power, a major concern of both the founders and their Anti-federalist critics.

These expectations for federalism have not been realized. In the past fifty years, the national government has increasingly treated the states as administrative units for larger national undertakings; no one speaks now of dual federalism, and few even think of a cooperative relationship between Washington and the states. Looked at historically, the role of the states in electing a president would be a likely target for elimination as part of these nationalizing trends. Moreover, the relatively small differences in influence brought about by recognizing the equality of the states in presidential elections is unlikely in itself to check the expansion of national power. The nationalization of the political parties has also vitiated the selection of electors as state representatives; they now are chosen for their loyalty to national parties rather than as citizens of a state.<sup>12</sup>

The realization of the NPV plan would continue this trend toward nationalization and centralized power. The president is the most important elected official in the nation. Under the NPV proposal, he or she will be elected indirectly by the nation acting as an electorate. Inevitably this change will foster the creation of a national consciousness among Americans, a unified and centralized political identity. The president will thus be empowered as the choice of this national electoral district; he or she will speak for a plurality of that nation. He or she may be more likely to pursue national interests at a cost to state or regional concerns. Indeed, state identities and considerations will no longer matter at all since the states will not long exist so far as presidential elections go. Such a president “might also be likely to pursue policies that enhance or enlarge the scope and power of the federal government.”<sup>13</sup> While direct election may not have strong partisan effects, the further empowering of the federal government and a subsequent increase in its ambit would run counter to the founding aspirations for limited government and individual liberty. It would also not be welcome by a substantial portion of the American people.

Skeptics might object that the United States has already developed a centralized, national political identity. Few people think of themselves as citizens of a particular state. The same skeptics might also note that the integration of the states into a unified national Leviathan has been a natural development fostered by the preferences of voters. Yet in our lifetime the hope for limited government has proven politically popular, and the states enjoyed a renaissance based on policy achievements. The possibility of a renewed decentralization of power remains open.

The NPV plan also mistakenly assumes that the people living in the United States are a unified nation that should act as one in selecting their leader. But the United States today is deeply polarized along partisan, ideological, and other dimensions. These differences relate strongly to territorial and regional differences. Rather than forcing all these differences into a single national electoral district, the nation would do better to foster institutions that allow people who deeply disagree to live at some distance from one another in fact and in politics. Instead of further fostering a national identity, we should hold open the possibility of a more decentralized government in which people who profoundly disagree about everything can live separately in peace. The NPV proposal would make that decentralization of identity marginally more difficult.

### **Disputed Outcomes**

As in 2000, it is likely that only one state will experience an election dispute that could affect the outcome of the presidential race. Hence, the struggles associated with a dispute will be relatively confined. The same would not be true of the NPV alternative. Rational candidates or party leaders would have reason to dispute results throughout the nation to overturn close outcomes. Indeed, what constitutes a close election would become broader since the necessary votes to overturn the result could be found nationwide. That would be more difficult and more contentious than the current system. As political scientist David Lublin has noted, the parties and the media would have it difficult to supervise recounts and litigation around the country. As Lublin argues, “We might not even be able to have a national recount. All existing recount laws were designed to address elections within states. Compact states cannot

compel other states to participate.”<sup>14</sup> A virtue of NPV is said to be its tendency toward a clear result. In a close election, the scope of its electoral district might well preclude a certain outcome in a close presidential contest.

## **Putative Benefits of the NPV Plan**

### **Ignored States**

The authors of NPV note that many uncompetitive states are written off as a certain win or loss in presidential elections and thus receive no attention from the candidates. This diffidence presumably translates into less consideration for the uncompetitive states from an elected president. In contrast, a direct popular election would value all votes equally. Candidates would presumably seek votes in all states since they would count equally toward victory.

The states, and not the Constitution, create the problem complained of by the NPV authors. Currently 48 of the 50 states allocate their electors according to the winner-take-all standard; the District of Columbia also employs this method. This has been true for some time. By 1824 only six of twenty-four states selected electors by state legislatures. By 1832, all but one chose by popular election. After 1832, selecting electors by popular vote meant popular vote by general ticket which comprised the concept of “winner take all.”<sup>15</sup> This rule offers the dominant party in the state legislature (and thus probably in the presidential contest) more electors than under say, a division of electors along the lines of the popular vote. Of course, state legislatures need not choose a “winner take all”

rule for selecting electors. They could divide electors according to the popular vote if they believed it would attract attention from presidential candidates thereby benefitting their state. But we observe that few states do so. That suggests most legislators believe “winner take all” benefits their state more than the candidate attention that might come from a division according to the popular vote. Since these legislators are elected by the people, we have to reason to think the “winner take all” system reflects the popular will.

Even if all votes are weighed equally in an election, the cost of attracting a marginal vote for president would vary. For example, it would be less expensive to attract votes in populous states because of the structure of media markets.<sup>16</sup> Recent elections have seen a modest relationship between the closeness of state presidential result and the number of its eligible voters.<sup>17</sup> In that respect, the marginal effect of the NPV plan would be to draw candidates toward large, competitive states. The cost of votes also depends on the efficiency of a campaign and party organization. The least costly votes are thus likely to be found in large, competitive states where the organizations have become efficient through competition and in large, non-competitive states where party organizations may have unique advantages in “running up the score.” In that way, the NPV plan might bring some candidate attention to states that are now non-competitive and ignored. But running up the score in party strongholds may also increase the regionalization of presidential politics. In general, because of the relative costs of attracting votes, the NPV proposal seems likely at the margins to attract candidate attention to populous states. Smaller or mid-size states will have higher costs in attracting votes and are unlikely to receive candidate attention. Under the NPV plan all votes will not matter equally to presidential candidates. Smaller states will first lose influence by moving to direct election and then, relatively speaking, lose the attention of the presidential candidates.

## **Certainty of election**

NPV advocates have argued that their compact will create a clear, nationwide winner of the presidential election. Direct election of the president by a plurality or majority would almost certainly lead to a clear winner. But NPV seeks to attain direct election through an interstate compact. The question of certainty turns on whether the interstate compact will work as NPV advocates hope.

State legislatures might withdraw from the compact if their commitment elects a president opposed by a majority in the legislature. Indeed, the voters who elected the legislature might demand they withdraw from the compact. The backers of the NPV plan outline a model compact that prevents a state from withdrawing until a president is qualified for office.<sup>18</sup> NPV supporters argue the U.S. Supreme Court would prevent a state from withdrawing from the compact based largely on one 1950 decision involving West Virginia. They also cite the influence of public opinion and “safe harbor” provisions in federal law that give preference to election returns that are accord with laws enacted prior to election day.

The Constitution empowers states to select presidential electors in any manner they wish. It does not say a legislature cannot change its manner of selection or that its choice must be made prior to election day. The significance of this grant of power should not be underestimated; it is one aspect of how the Founders included the states in the new government. The Constitution includes other clauses, of course, including one forbidding states to impair contracts. The Supreme Court might force a state legislature to hold to the terms of the NPV compact, but the issue would certainly be litigated, perhaps between election day and the day when electoral votes

are cast. In any case, the compact has no backup provision if a state withdraws. Its electoral votes would remain in limbo. If a legislature has withdrawn from the compact, we may presume public opinion approves or perhaps even demands it. To be sure, a majority outside of a state may disapprove of the withdrawal, but no legislator in the withdrawing state will face those disapproving voters unless he or she runs for president. The “safe harbor” provision, if effective, will simply mean that a state withdraws prior to election day. Modern polling often enables legislators to guess the outcome of a state’s presidential election.

The NPV compact may work as advertised in practice. But in a close election legislators will be under tremendous pressure, and many voters may see their states casting electoral votes for a candidate who finished second in their state. We cannot say an outcome under the NPV compact will be any more certain than under current arrangements.

### **Incentives for Higher Turnout**

If more votes for a winning candidate give a state more influence with a new presidential administration, it seems reasonable that direct election will increase the incentives for a state to increase turnout.<sup>19</sup> This assumes that increasing voter turnout should be an important goal of public policy. But current levels of turnout do not seriously bias election results; universal turnout would affect only the closest of elections nationally.<sup>20</sup> Voting turnout is highly correlated to education which in turn is the best predictor of economic literacy. As the economist Bryan Caplan discovered, increasing turnout to 100 percent would mean candidates “have to compete for

the affection of noticeably more biased voters than they do today.”<sup>21</sup> Even lesser increases would be expected, all things being equal, to increase the number of biased (i.e. ill-informed) voters compared to the status quo. Insofar as candidates follow the wishes of voters, increased turnout would mean worse (i.e. more irrational) economic policies.

### **The Second Shall Be First**

NPV advocates note that the current system could elect a president who finished second in the popular vote.<sup>22</sup> That result happened, of course, in 2000. It had happened prior to that the last in 1888 (and two other times in the 19<sup>th</sup> century). That suggests the likelihood of such a result again is fairly small. If it does, the case for amending the Constitution to enact direct election of the president will be much stronger. The states that would be harmed by such a change might not be able to defend a system that had real, rather than theoretical, problems.

## **Conclusion**

No one can doubt the intelligence of the authors of the NPV plan. They have found a putatively constitutional way to change the Constitution while circumventing the Constitution’s amendment procedures. Implicitly they are arguing that direct election of the president by the greater number of voters weighs so heavily on the normative scales that bypassing constitutional propriety should be accepted. Yet the U.S. Constitution establishes a liberal republic not a majoritarian democracy. The NPV plan may or may not deliver

many of the benefits it promises; I am inclined to say, as noted earlier, that it will not. However that might be, the NPV plan gives the supporters of a losing presidential candidate little reason to accept the outcome. Legitimacy and political obligation are rooted in law, and the NPV plan circumvents the legal procedure we have to change our presidential elections. That alone should be enough to convince legislators in the various states that this proposal should not be adopted.

**Table 1 Effects of Move to Direct Election of President on States**

<b>State</b>	<b>Voting Age Population2000</b>	<b>Eligible Voters 2000*</b>	<b>Percentage of U.S. Eligible Voters</b>	<b>Presidential Electors 2007</b>	<b>Percentage of All Electors</b>	<b>Absolute Gain or Loss from Direct Election</b>	<b>Relative Gain or Loss from Direct Election</b>
<b>Pennsylvania</b>	9,386,744	9,087,219	4.68	21	3.90	0.77	0.20
<b>Michigan</b>	7,386,420	7,071,342	3.64	17	3.16	0.48	0.15
<b>Ohio</b>	8,499,425	8,295,191	4.27	20	3.72	0.55	0.15
<b>Indiana</b>	4,522,034	4,425,536	2.28	11	2.04	0.23	0.11
<b>Illinois</b>	9,218,881	8,432,415	4.34	21	3.90	0.44	0.11
<b>New York</b>	14,356,264	12,380,843	6.37	31	5.76	0.61	0.11
<b>Florida</b>	12,444,563	10,667,493	5.49	27	5.02	0.47	0.09
<b>Virginia</b>	5,386,558	5,069,777	2.61	13	2.42	0.19	0.08
<b>Wisconsin</b>	4,028,200	3,841,695	1.98	10	1.86	0.12	0.06
<b>Texas</b>	15,128,443	13,033,393	6.71	34	6.32	0.39	0.06
<b>North Carolina</b>	6,126,099	5,743,739	2.96	15	2.79	0.17	0.06
<b>Tennessee</b>	4,319,596	4,162,497	2.14	11	2.04	0.10	0.05
<b>Massachusetts</b>	4,885,052	4,516,864	2.32	12	2.23	0.09	0.04
<b>Georgia</b>	6,088,159	5,639,114	2.90	15	2.79	0.11	0.04
<b>New Jersey</b>	6,359,586	5,601,620	2.88	15	2.79	0.09	0.03
<b>Washington</b>	4,426,352	4,098,869	2.11	11	2.04	0.06	0.03
<b>Kentucky</b>	3,062,971	2,955,529	1.52	8	1.49	0.03	0.02
<b>Missouri</b>	4,197,849	4,051,969	2.09	11	2.04	0.04	0.02
<b>South Carolina</b>	3,024,798	2,944,106	1.51	8	1.49	0.03	0.02
<b>Maryland</b>	3,974,596	3,649,271	1.88	10	1.86	0.02	0.01
<b>Alabama</b>	3,338,480	3,242,141	1.67	9	1.67	0.00	0.00
<b>California</b>	24,877,906	19,685,241	10.13	55	10.22	-0.09	-0.01
<b>Oklahoma</b>	2,572,710	2,475,099	1.27	7	1.30	-0.03	-0.02
<b>Minnesota</b>	3,672,695	3,505,721	1.80	10	1.86	-0.05	-0.03
<b>Louisiana</b>	3,258,261	3,130,730	1.61	9	1.67	-0.06	-0.04
<b>Oregon</b>	2,594,982	2,364,437	1.22	7	1.30	-0.08	-0.06
<b>Mississippi</b>	2,082,046	2,024,693	1.04	6	1.12	-0.07	-0.07

<b>Connecticut</b>	2,577,728	2,357,837	1.21	7	1.30	-0.09	-0.07
<b>Colorado</b>	3,243,649	3,026,857	1.56	9	1.67	-0.12	-0.07
<b>Arizona</b>	3,812,590	3,357,862	1.73	10	1.86	-0.13	-0.07
<b>Kansas</b>	1,987,123	1,928,050	0.99	6	1.12	-0.12	-0.11
<b>Arkansas</b>	2,002,739	1,925,615	0.99	6	1.12	-0.12	-0.11
<b>Iowa</b>	2,206,241	2,083,263	1.07	7	1.30	-0.23	-0.18
<b>Utah</b>	1,531,300	1,431,961	0.74	5	0.93	-0.19	-0.21
<b>West Virginia</b>	1,406,441	1,390,498	0.72	5	0.93	-0.21	-0.23
<b>Nevada</b>	1,514,329	1,346,706	0.69	5	0.93	-0.24	-0.25
<b>New Mexico</b>	1,319,330	1,234,602	0.64	5	0.93	-0.29	-0.32
<b>Nebraska</b>	1,268,290	1,224,543	0.63	5	0.93	-0.30	-0.32
<b>Maine</b>	982,292	969,542	0.50	4	0.74	-0.24	-0.33
<b>Montana</b>	678,630	668,044	0.34	3	0.56	-0.21	-0.38
<b>New Hampshire</b>	937,879	890,574	0.46	4	0.74	-0.29	-0.38
<b>Idaho</b>	936,901	876,695	0.45	4	0.74	-0.29	-0.39
<b>Hawaii</b>	921,695	832,108	0.43	4	0.74	-0.32	-0.42
<b>Rhode Island</b>	806,955	753,818	0.39	4	0.74	-0.36	-0.48
<b>Delaware</b>	596,389	555,400	0.29	3	0.56	-0.27	-0.49
<b>South Dakota</b>	556,114	548,502	0.28	3	0.56	-0.28	-0.49
<b>North Dakota</b>	483,044	477,682	0.25	3	0.56	-0.31	-0.56
<b>Vermont</b>	466,174	459,120	0.24	3	0.56	-0.32	-0.58
<b>Alaska</b>	439,198	419,001	0.22	3	0.56	-0.34	-0.61
<b>District of Columbia</b>	458,152	416,192	0.21	3	0.56	-0.34	-0.62
<b>Wyoming</b>	367,329	360,751	0.19	3	0.56	-0.37	-0.67

\*

## Appendix 1

### SUMMARY OUTPUT

<i>Regression Statistics</i>					
Multiple R		0.354634722			
R Square		0.125765786			
Adjusted R Square		0.069963602			
Standard Error		0.232336681			
Observations		51			

  

<i>ANOVA</i>					
	<i>df</i>	<i>SS</i>	<i>MS</i>	<i>F</i>	<i>Significance F</i>
Regression	3	0.364979214	0.121659738	2.253778929	0.094393138
Residual	47	2.537075673	0.053980333		
Total	50	2.902054888			

  

	<i>Coefficients</i>	<i>Standard Error</i>	<i>t Stat</i>	<i>P-value</i>
Intercept	0.312262735	0.190230064	1.641500447	0.107369303
Dem Vote Share 1992	-	0.412986912	-	0.268709731
2004	0.462246696		1.119276863	
Relative African Amer	0.411115579	0.233506447	1.76061768	0.084808965
VAP 2000				
Urban	0.004578267	0.002384001	1.920413214	0.060884957

---

<sup>1</sup> John R. Koza, Barry Fadem, Mark Grueskin, Michael S. Mandell, Robert Richie, and Joseph F. Zimmerman, *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote* (Los Altos, CA: National Popular Vote Press, 2006).

<sup>2</sup> “The advantage that the “Connecticut compromise” (for Senate seat allocation) gives to small states within the Electoral College is now fairly minimal. Giving all states two electors regardless of size gives small states more influence than they would have if the allocation of electors were based only on size of population. But the enhanced power that the Electoral College gives to small states (e.g., North and South Dakota, Vermont, Wyoming, Montana) is not very large.” Donald Haider-Markel, Melvin Dubnick, Richard Elling, David Niven, and Paul Schumaker, “The Role of Federalism in Presidential Elections,” in *Choosing a President: The Electoral College and Beyond*, eds. Paul Schumaker and Burdett A. Loomis (New York Chatham House, 2002): 57.

<sup>3</sup> An earlier measure of the differences did not seek a single measure of gains and losses. See Haider-Markel et al, 58. The data are also taken from a different year. However, the conclusion and methods seems basically similar to the one used here.

<sup>4</sup> The influence of a state over the electoral college is measured by dividing a state’s electoral votes by the total electoral votes for the nation. The influence of a state under direct election is measured by dividing the number of eligible voters in a state in 2000 by the total number of eligible voters in the nation in 2000. The absolute gain or loss of a state equals the difference between its influence under the electoral college and under direct election. The relative gain or loss of a states equals its absolute gain or loss divided by its measure of influence under the electoral college.

<sup>5</sup> These numbers measuring relative influence would also doom a constitutional amendment to move to direct election of the president.

<sup>6</sup> “Legitimacy.” *A Dictionary of Modern Politics*. Third Edition. David Robertson . Europa, 2002. Routledge Reference Resources online. Taylor & Francis Publishing Group. Johns Hopkins University. 09 October 2007 <[http://www.reference.routledge.com/subscriber/entry?entry=w007\\_w007b303](http://www.reference.routledge.com/subscriber/entry?entry=w007_w007b303)>

<sup>7</sup> E.J. Dionne, April 2, 2007, A15.

<sup>8</sup> “End Run: The Wrong Play to Call,” *Milwaukee Journal Sentinel*, July 30, 2006.

<sup>9</sup> James Madison, “Federalist no. 39,” in *The Federalist*, ed. Jacob E. Cooke (Middletown, CT: Wesleyan University Press, 1961): 251.

<sup>10</sup> Haider Markel et al., 55-56.

<sup>11</sup> Madison, fed 39, 255.

<sup>12</sup> See Haider Markel et al., 61.

<sup>13</sup> Haider Markel et al., 68 “One potential effect of a popular vote election...might be that presidents would be more likely to pursue a truly “national” interest, without focusing on the particularized concerns of states. Under this system, presidents, regardless of their ideological orientations, might also be likely to pursue policies that enhance or enlarge the scope and power of the federal government.”

<sup>14</sup> David Lublin, “Popular Vote? Not Yet. Problems With a Plan to Kill the Electoral College,” *The Washington Post*, July 16, 2007, A15.

<sup>15</sup> See Michael Nelson, ed., *Guide to the Presidency* (Washington, D.C.: Congressional Quarterly, 1989): 156. Nelson notes that since 1860 only Colorado has used legislative appointment to select electors.

<sup>16</sup> Haider-Markel et al., 68

<sup>17</sup> The correlation coefficient is +.2.

<sup>18</sup> Koza et al., 344ff.

---

<sup>19</sup> Haidar Markel et al., 61.

<sup>20</sup> Jack Citrin, Jack., Eric Schickler, and John Sides, “What if Everyone Voted in Presidential Elections?” Paper presented at the annual meeting of the American Political Science Association, Marriott, Loews Philadelphia, and the Pennsylvania Convention Center, Philadelphia, August 31, 2006.

<sup>21</sup> Bryan Caplan, *The Myth of the Rational Voter : Why Democracies Choose Bad Policies* (Princeton: Princeton University Press, 2007): 306. Caplan recommends reducing or eliminating efforts to increase turnout.

<sup>22</sup> Koza et al., 16.