

“Agreement among the States to Elect the President by National Popular Vote”

September 24, 2017

The National Popular Vote bill would guarantee the Presidency to the candidate who receives the most popular votes in all 50 states and the District of Columbia.

The bill ensures that *every* vote, in *every* state, will matter in *every* presidential election.

The bill is law in 11 states possessing 165 electoral votes, including small states (RI, VT, HI, DC), medium-sized states (MD, MA, WA), and large states (NJ, IL, NY, CA). The bill will take effect when enacted by states with 105 more electoral votes. The bill has passed at least one chamber in 12 additional states with 96 electoral votes. The bill was recently approved by a bipartisan 40-16 vote in the Arizona House, 28-18 in the Oklahoma Senate, and unanimously by legislative committees in Georgia and Missouri. A total of 2,794 state legislators have endorsed it.

The shortcomings of the current system stem from *state* winner-take-all laws (i.e., awarding all of a state’s electoral votes to the candidate receiving the most popular votes in each *separate* state).

Because of winner-take-all, presidential candidates have no reason to solicit votes in states where the statewide outcome is a foregone conclusion. The 12 closely divided “battleground” states within 3% of the national outcome received 100% of the general-election campaign events in 2012 (shaded on map below). Obama and Romney campaigned together in only 8 states. Two-thirds of the events (176 of 253) were in just 4 states (Ohio, Florida, Virginia, and Iowa). Meanwhile, 38 states were totally ignored.



Battleground states receive 7% more presidentially controlled grants, twice as many disaster declarations, and numerous favorable actions from Presidents, as detailed in *Presidential Pork* (Hudak 2014), *Presidential Swing States: Why Only Ten Matter* (Hecht and Schultz 2015), *Going Red: The Two Million Voters Who Will Elect the Next President* (Morrissey 2016), *The Rise of the President’s Permanent Campaign* (Doherty 2011), and *The Particularistic President* (Kriner and Reeves 2015).

State winner-take-all statutes have allowed candidates to win the Presidency without winning the most popular votes nationwide in four of our nation’s 57 presidential elections—1 in 14 times. A shift of 214,393 votes in 2012 would have elected Mitt Romney despite President Obama’s nationwide lead of almost 5,000,000 votes.

The U.S. Constitution (Article II, Section 1) gives states exclusive control over awarding their electoral votes: “Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors....” Winner-take-all was not debated at the Constitutional Convention or mentioned in the *Federalist Papers*. It was not used by a majority of the states until the 11th presidential election (1828).

The National Popular Vote interstate compact will go into effect after it is enacted by states possessing a majority of the electoral votes—that is, enough to elect a President (270 of 538). Under the compact, when the Electoral College meets in mid-December, the candidate who received the most popular votes in all 50 states (and DC) will receive all of the electoral votes of the enacting states.

The National Popular Vote bill preserves the Electoral College and state control of elections.

Supporters include former Senators Jake Garn (R–UT), Birch Bayh (D–IN), and David Durenberger (R–MN); former Cong. John Anderson (R–IL, I), John Buchanan (R–AL), Tom Campbell (R–CA), Tom Downey (D–NY), Tom Tancredo (R–CO) and Bob Barr (R–GA); former Governors Howard Dean (D–VT) and Jim Edgar (R–IL); and former House Speaker Newt Gingrich (R–GA).

For additional information, see our book *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote* (downloadable for free at www.NationalPopularVote.com).