



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

November 27, 2020

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

Since 2006, the National Popular Vote bill has been enacted by 15 states and the District of Columbia (together possessing 196 electoral votes), including 4 small states (DE, HI, RI, VT), 8 medium-sized states (CO, CT, MD, MA, NJ, NM, OR, WA), and 3 big states (CA, IL, NY).

The bill will take effect when enacted by states with 74 more electoral votes (for a total of 270).

The bill has passed at least one legislative chamber in 9 additional states with 88 electoral votes (AR, AZ, ME, MI, MN, NC, NV, OK, VA), including the Republican-controlled Arizona House and Oklahoma Senate. 3,471 state legislators have endorsed it.

The U.S. Constitution (Article II) 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....”

The shortcomings of the current system stem from *state* “winner-take-all” laws that award *all* of a state’s electoral votes to the candidate receiving the most popular votes in each state.

The winner-take-all method of awarding electoral votes is *not* in the U.S. Constitution. It was not debated at the 1787 Constitutional Convention. It was not mentioned in the *Federalist Papers*. It was used by only three states in the first presidential election in 1789 (and all three repealed it by 1800).

Because of these state winner-take-all laws, presidential candidates only pay attention to the concerns of voters in closely divided battleground states. In 2020, 2016, and 2012, a dozen battleground states received 96%, 94%, and 100% of all of the general-election campaign events, respectively. In these three elections, 25 states did not receive even one campaign event, and six additional states received only one. The politically irrelevant spectator states included almost all of the small states, rural states, agricultural states, Southern states, Western states, and Northeastern states.

In addition, the current state-by-state winner-take-all method of awarding electoral votes has enabled 5 of our 45 Presidents to come into office without winning the most popular votes nationwide.

In the last six presidential elections, the current system has produced two near-misses and two second-place Presidents. For example, in 2020, if 21,847 voters (5,229 in Arizona, 6,335 in Georgia, and 10,283 in Wisconsin) had changed their minds, Joe Biden would have been defeated, despite leading the national popular vote by over 6 million votes. Each of these 21,847 voters was 274 times more important than the 6 million voters. Similarly, in 2004, had 59,393 voters in Ohio switched, President Bush would have lost, despite leading the national popular vote by over 3 million votes.

Because outcomes are close in battleground states, the current system repeatedly generates uncertainty, recounts, litigation, and chaos, despite the national popular vote winner being clear.

The National Popular Vote interstate compact will go into effect when enacted by states with a majority of the presidential electors—that is, 270 of 538. After the compact goes into effect, all of the electoral votes from all of the enacting states will be awarded to the candidate who received the most popular votes in all 50 states and the District of Columbia. Thus, the national popular vote winner will be supported by a majority of the Electoral College, and thus become President.

The National Popular Vote compact would make every person’s vote equal throughout the U.S. It would ensure that *every* vote, in *every* state, will be politically relevant in *every* presidential election.

The National Popular Vote compact is a constitutionally conservative, state-based approach that retains the power of the states to control how the President is elected and retains the Electoral College.

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).

Answers to 131 myths are at www.nationalpopularvote.com/answering-myths