



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

March 5, 2024

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

It will apply the one-person-one-vote principle to presidential elections, and make every vote equal.

Why a National Popular Vote for President Is Needed

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

Because of these state winner-take-all laws, five of our 46 Presidents have come into office without winning the most popular votes nationwide. In 2004, if 59,393 voters in Ohio had changed their minds, President Bush would have lost, despite leading nationally by over 3 million votes.

Under the current system, a small number of votes in a small number of states regularly decides the Presidency. All-or-nothing payoffs fuel doubt, controversy over real or imagined irregularities, hair-splitting post-election litigation, and unrest. In 2020, if 21,461 voters had changed their minds, Joe Biden would have been defeated, despite leading by over 7 million votes nationally. Each of these 21,461 voters (5,229 in Arizona, 5,890 in Georgia, and 10,342 in Wisconsin) was 329 times more important than the 7 million voters elsewhere. That is, every vote is not equal under the current system.

Presidential candidates only pay attention to voters in closely divided battleground states. In 2020, almost all (96%) of the general-election campaign events were concentrated in 12 states where the candidates were within 46%–54%. In 2024, 80% of Americans will be ignored because they do not live in closely divided states. The politically irrelevant spectator states include almost all of the small states, rural states, agricultural states, Southern states, Western states, and Northeastern states.

How National Popular Vote Works

Winner-take-all is **not** in the U.S. Constitution, and not mentioned at the Constitutional Convention.

Instead, the U.S. Constitution (Article II) gives the states exclusive control over the choice of method of awarding their electoral votes—thereby giving the states a built-in way to reform the system.

“Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors...”

The National Popular Vote law will take effect when enacted by states with a majority of the electoral votes (270 of 538). Then, the presidential candidate receiving the most popular votes in all 50 states and DC will get all the electoral votes from all of the enacting states. That is, the candidate receiving the most popular votes nationwide will be guaranteed enough electoral votes to become President.

Under the National Popular Vote law, no voter will have their vote cancelled out at the state-level because their choice differed from majority sentiment in their state. Instead, every voter’s vote will be added directly into the national count for the candidate of their choice. This will ensure that *every* voter, in *every* state, will be politically relevant in *every* presidential election—regardless of where they live.

The National Popular Vote law 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.

National Popular Vote has been enacted by 16 states and the District of Columbia, including 4 small states (DE, HI, RI, VT), 9 medium-sized states (CO, CT, MD, MA, MN, NJ, NM, OR, WA), and 3 big states (CA, IL, NY). These jurisdictions have 205 of the 270 electoral votes needed to activate the law.

The bill has also passed one legislative chamber in 8 states with 78 electoral votes (AR, AZ, ME, MI, NC, NV, OK, VA), including the Republican-controlled Arizona House and Oklahoma Senate. It has passed both houses of Maine and Nevada at various times, and is endorsed by 3,705 state legislators.

More Information

Visit www.NationalPopularVote.com. Our book *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote* is downloadable for free. Questions are answered at www.NationalPopularVote.com/answering-myths.