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Shortcomings of the Current System of Electing the President

The shortcomings of the current system of electing the President all stem from existing state laws that award all of a state's electoral votes to the presidential candidate who receives the most popular votes in the state.

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The National Popular Vote Interstate Compact Addresses the Shortcomings of the Current System

1. Five of our 46 Presidents came into office without winning the most popular votes nationwide.

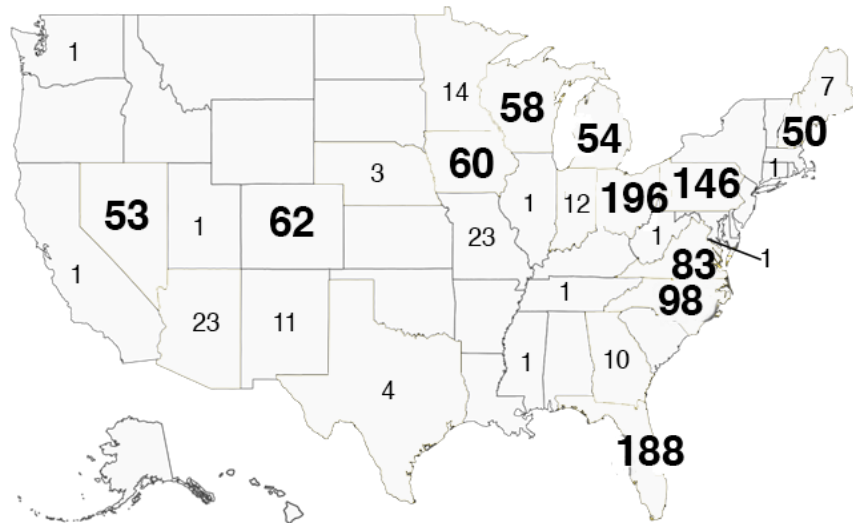
The second-place candidate won the presidency in two of this century's first six presidential elections, namely in 2000 and 2016. There were also two "near-miss" elections (2004 and 2020) in which a shift of a small number of popular votes in one state, or a few states, would have given the presidency to the loser of the national popular vote. In 2020, if 21,461 voters (5,229 in Arizona, 5,890 in Georgia, and 10,342 in Wisconsin) had changed their minds, Joe Biden would have been defeated, despite leading by over 7 million votes nationally. Overall, there have been 13 such near-miss presidential elections.



2. Three out of four states are regularly ignored in the general-election campaign for President.

Because of the winner-take-all method of awarding electoral votes, presidential candidates only pay attention to the concerns of voters in closely divided states. In each of this century's first six presidential elections, virtually all (between 91% and 100%) of the general-election campaign events have been concentrated in about a dozen battleground states. The politically irrelevant spectator states (home to 70% of the country's voters) include almost all the small states, rural states, Western states, Southern states, and Northeastern states. Governance—not just campaigning—is distorted by the concentration of attention on just a few states.

The map shows the total number of general-election campaign events in the last four presidential elections.



Number of general-election campaign events 2008–2020

Sitting presidents contemplating their own re-election (or the election of their preferred successor) formulate public policy around the concerns of the handful of states that predictably are going to decide the presidency under the state-by-state winner-take-all method of awarding electoral votes. Moreover, the presidential battleground has been shrinking for decades. Looking forward to 2024, the presidential campaign may be concentrated in as few as nine states with just 20% of the country’s population. The list of battleground states has also become calcified—41 states voted for the same party in the last four presidential elections.

- 3. The current state-by-state winner-take-all system regularly enables a few thousand votes in a small number of states to decide the Presidency—thereby fueling post-election controversies and threatening the country’s stability.**

The fact that a few thousand votes in a handful of closely divided states regularly decide the presidency is a recurring feature of the current system. The state-by-state aspect of the current system starts by dividing the nation’s 158,224,999 voters into 51 separate state-level silos. Then, the winner-take-all aspect of the current system channels virtually all campaigning into a few closely divided battleground states—because they are the only places where the candidates have anything to gain or lose. Inevitably, some of these battleground states end up being extremely close on Election Day. These close results, in turn, generate post-election doubt, controversy, litigation, and unrest over real or imagined irregularities. The danger posed by these post-election controversies in extremely close states is heightened

because the country is currently in an era of consecutive non-landslide presidential elections since 1992. Indeed, the average national-popular-vote margin was only 4.3% between 1992 and 2020.

4. Every vote is not equal throughout the United States under the current system.

There are four sources of inequality in the value of a vote for President under the current system. Because of the two senatorial electoral votes that each state receives in addition to the number warranted by population, there is a 3-to-1 inequality in the value of a vote in Wyoming compared to a vote in other states. There are additional substantial inequalities because of the imprecision of the process used to apportion U.S. House seats (and hence electoral votes) among the states, because of intra-decade population changes are not reflected in the Electoral College until the next census, and because of voter turnout differences from state to state (thus devaluing voters in high-turnout states).

5. The current system could easily result in the U.S. House of Representatives choosing the President on a one-state-one-vote basis.

If no candidate receives an absolute majority of the electoral votes (that is, 270 out of 538), the U.S. House of Representatives chooses the President on a one-state-one-vote basis. The District of Columbia has no vote in this process. In each of the first six presidential elections of the 21st Century, there have been numerous politically plausible combinations of states that could have produced a 269–269 tie in the Electoral College. The candidate who lost the national popular vote could easily win the presidency in a one-state-one-vote election in the U.S. House.

6. Voter participation is lower in the spectator states than battleground states.

Many voters have come to understand that they are politically irrelevant in the process of electing the President. Compared to the rest of the country, voter turnout in the battleground states was 11% higher in 2020, 11% higher in 2016, 16% higher in 2012, and 9% higher in 2008.

The National Popular Vote Interstate Compact Addresses the Shortcomings of the Current System

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.

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 Compact 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.

National Popular Vote has been enacted into law by 15 states and the District of Columbia, 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). These states have 195 of the 270 electoral votes needed to activate the law.

In addition, the National Popular Vote Compact has passed one legislative chamber in 9 states with 88 electoral votes (AR, AZ, ME, MI, MN, NC, NV, OK, VA).

For 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.