



National Popular Vote Interstate Compact

April 21, 2025

The National Popular Vote Interstate Compact 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.

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Seven shortcomings of the current method of electing the President

The seven shortcomings of the current system of electing the President stem from state-level “winner-take-all” laws that award all of a state’s electoral votes to the presidential candidate who receives the most popular votes in that state.

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

The loser of the national popular vote became President in two of the first seven presidential elections of the 2000s, namely 2000 and 2016. Moreover, there were two near-miss elections in which a shift of a small number of popular votes in one state in 2004 and three states in 2020 would have given the presidency to the loser of the national popular vote. Overall, there have been 13 such near-misses in the nation’s 60 presidential elections. In short, the current state-by-state winner-take-all method of awarding electoral votes does not reliably reflect the will of the people of the United States. In contrast, the National Popular Vote Interstate Compact will guarantee the presidency to the candidate who receives the most popular votes in all 50 states and the District of Columbia. For additional details, see section 1.1 of our book *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote* (available to read or download for free at www.Every-Vote-Equal.com).

80% of the country’s voters are ignored in the general-election campaign for President.

The winner-take-all method of awarding electoral votes compels presidential candidates to concentrate on the voters in closely divided states. Candidates do not visit, advertise, build a grassroots organization, poll, or pay attention to the concerns of voters in states where they are safely ahead or hopelessly behind. The reason is that they have nothing to gain or lose in such states. In the seven presidential elections of the 2000s, almost all (between 91% and 100%) of the general-election campaign events were concentrated in a small number of closely divided battleground states. In 2024, almost all of the campaigning took place in only seven states—leaving 80% of American voters on the sidelines. The voters living in the remaining states were mere spectators to the presidential election. The ignored states include almost all of the small states, rural states, western states, southern states, and northeastern states. Battleground status is fickle and fleeting. Neither President Obama nor Vice President Biden came to Pennsylvania during the 2012 general-election campaign. The reason was that the Obama-Biden ticket was comfortably ahead in Pennsylvania throughout the 2012 race (and ended up winning Pennsylvania by a comfortable 53%–47% margin). There were only 5 visits to Pennsylvania in 2012—compared to 40 visits in 2008 and 54 visits in 2016. The National Popular Vote Interstate Compact would make *every* voter in *every* state politically relevant in *every* presidential election. In particular, it would secure Pennsylvania’s role, as the nation’s fifth largest state, in *every* presidential election year. See section 1.1 of *Every Vote Equal* at www.Every-Vote-Equal.com.

A small number of votes in a small number of states regularly decides the presidency—thereby fueling post-election controversies that threaten the peaceful transfer of power.

The fact that a few thousand votes in a handful of closely divided states regularly decide the presidency is an *inherently recurring* feature of the current state-by-state winner-take-all method of awarding electoral votes. The “state-by-state” nature of the current system divides the nation’s voters into 50 separate state-level pools of votes. After this Balkanization, only a relatively small number of the state-level races for President end up being closely divided. Inevitably, one, two, or three of these so-called “battleground” states end up being extremely close on Election Day. Then, a few thousand votes in a few closely divided states typically decide the presidency. Razor-thin

results in a few states, in turn, generate post-election doubt, controversy, litigation, and unrest over real, imagined, or manufactured irregularities. The 2016 and 2020 elections were each decided by fewer than 80,000 votes, despite multi-million nationwide margins. The presidency has been decided by an average of a mere 287,969 popular votes spread over an average of three states in the seven presidential elections between 2000 and 2025. In contrast, the average margin of victory in the national popular vote was 4,327,902—15 times larger. The danger to our republic posed by post-election controversies is heightened because the country has been in an era of consecutive non-landslide presidential elections since 1992. All-or-nothing payoffs at the state level make the national outcome extremely sensitive to fraud, foreign interference, and random events. A sound election system should possess a high level of resistance to the impact of minor influences. The outcome of an election conducted under the National Popular Vote Interstate Compact would be based on multi-million-vote nationwide margins—not microscopic margins in one, two, or three states. See section 1.3 of *Every Vote Equal* at www.Every-Vote-Equal.com.

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

There are five sources of inequality in the value of a vote for President under the current state-by-state winner-take-all method of awarding electoral votes, including

- inequality in the value of a vote arising from the two “senatorial” electoral votes that each state receives in addition to the number warranted by its population,
- inequality in the value of a vote because of imprecision in the process used to apportion U.S. House seats (and hence electoral votes) among the states,
- inequality in the value of a vote caused by the intra-decade population changes after each census that devalues voters in fast-growing states,
- inequality in the value of a vote created by voter-turnout differences that devalues voters in high-turnout states, and
- inequality in the value of a vote created by the fact that voters in one, two, or three states regularly decide presidential elections.

In contrast, every vote throughout the country would be equal under the National Popular Vote Compact. See section 1.4 of *Every Vote Equal* at www.Every-Vote-Equal.com.

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

Many voters realize that living in a spectator state makes them politically irrelevant in the current process of electing the President. As a result, voter turnout is considerably lower in spectator states than in closely divided states. 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. See section 1.5. See section 1.5 of *Every Vote Equal* at www.Every-Vote-Equal.com.

The current system could 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 with each state having one vote. Thus, the loser of the national popular vote could win the presidency in this process. In the seven presidential elections of the 2000s, there have been numerous politically plausible combinations of states that could have produced a 269–269 tie in the Electoral College. Moreover, given the ever-increasing number of independent voters, there is a growing possibility that no candidate receives an absolute majority of the electoral votes in a multi-candidate race. The National Popular Vote Compact

guarantees that one candidate will always receive a majority in the Electoral College, and therefore a presidential election will never be thrown into Congress. See section 1.6 of *Every Vote Equal* at www.Every-Vote-Equal.com.

Under the current system, an individual's vote for President is often not counted as a vote for the presidential candidate preferred by that voter.

In virtually every election in the United States—except for President—every voter's vote is added directly into the count of the candidate favored by that voter. Then, the winner of the election is the candidate favored by most voters in the entire jurisdiction served by the office. However, under the current system of electing the President, a voter's choice gets reflected in the Electoral College only if that voter agrees with the choice made by a plurality of *other* voters in the voter's state. Under the National Popular Vote Compact, no voter will have their vote cancelled out at the state-level because their choice differed from plurality sentiment in their state. Instead, every voter's vote will be added directly into the national count for the candidate of their choice. See section 1.7 of *Every Vote Equal* at www.Every-Vote-Equal.com.

How the National Popular Vote Interstate Compact works

The winner-take-all method of awarding electoral votes is *not* in the U.S. Constitution. It was not mentioned at the Constitutional Convention. It is not discussed in the *Federalist Papers*.

Instead, the U.S. Constitution (Article II, section 1) 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. It provides:

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

The National Popular Vote Interstate Compact will take effect when enacted by states with a majority of the electoral votes (270 of 538). After the Compact takes effect, the candidate receiving the most popular votes in all 50 states and DC will get all the electoral votes from the enacting states. This guarantees that the candidate receiving the most popular votes nationwide will get enough votes in the Electoral College to become President.

Under the National Popular Vote Interstate Compact, no voter will have their vote cancelled out at the state-level because their choice differed from plurality 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.

National Popular Vote has been enacted into law by 18 jurisdictions, including 6 small states (DC, DE, HI, ME, 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 209 of the 270 electoral votes needed to activate the law.

It has also passed in legislative chambers in 7 additional states with 74 electoral votes (AR, AZ, MI, NC, NV, OK, VA).

Over 3,800 state legislators have sponsored or cast a recorded vote in favor of the National Popular Vote Interstate Compact.

Myth: Candidates will concentrate on metropolitan areas and ignore rural areas.

Some people have speculated that, in a national popular vote for President, candidates will concentrate on heavily populated metropolitan areas and ignore rural areas.

Under a national popular vote, every vote would be equal throughout the United States.

In a national popular vote for President, a voter in a populous metro area would be no more valuable or important than a voter in a suburb, an exurb, a small town, or a rural area. Big metro areas would not receive all the attention or even a disproportionate amount of attention—much less control the outcome.

In any case, there is no need to speculate as to how presidential candidates would campaign in an election in which every vote is equal, and in which the winner is the candidate receiving the most popular votes.

If there were any tendency for a nationwide presidential campaign to overemphasize heavily populated metro areas or ignore rural areas, we would see evidence of this in the way presidential campaigns are actually conducted *today* inside the closely divided battleground states. Indeed, inside battleground states, every vote is already equal, and the winner is the candidate receiving the most popular votes.

Thus, the way to win everything that the battleground state has to offer (that is, all of its electoral votes) under the current system is identical to the way to win everything that the National Popular Vote Compact has to offer.

Actual presidential campaigns—devised by the nation’s most astute political strategists—do not overemphasize the big metro areas or ignore rural areas inside battleground states.

- When presidential candidates campaign to win the electoral votes of a closely divided battleground state under the current system, they campaign throughout the state—big cities, suburbs, exurbs, and rural areas.

- Specifically, the percentage of general-election events in the biggest metro areas of each battleground state closely match those areas’ share of the population. That is, candidates do not disproportionately concentrate on heavily populated metropolitan areas. If anything, we occasionally see a slight overemphasis of areas outside a state’s biggest metro areas in some states in some years.

Let’s use Pennsylvania as an example.

Pennsylvania’s population of 12.7 million people is divided into two almost equal parts:¹

- 6.4 million living in the Philadelphia² and Pittsburgh³ metropolitan statistical areas and
- 6.3 million living in the rest of the state (often called “the T”).⁴

¹ Pennsylvania had a population of 12,702,379, according to the 2010 census. The Philadelphia Metropolitan Statistical Area (MSA) and the Pittsburgh MSA had a combined population of 6,365,279 (50.1% of the total), while the remainder of the state had a population of 6,337,100 (49.9% of the total).

² The Philadelphia metropolitan statistical area (MSA) consists of five counties (Philadelphia County, Montgomery, Bucks, Delaware, and Chester).

³ The Pittsburgh MSA consists of seven counties (Allegheny, Armstrong, Beaver, Butler, Fayette, Washington, and Westmoreland).

⁴ The rest of the state consists of 55 counties.

2016 Campaign in Pennsylvania

Pennsylvania was a closely divided “battleground” state in 2016. It received 54 of the nation’s 399 general-election campaign events.

These 54 events were divided closely in proportion to population of the two halves of the state.

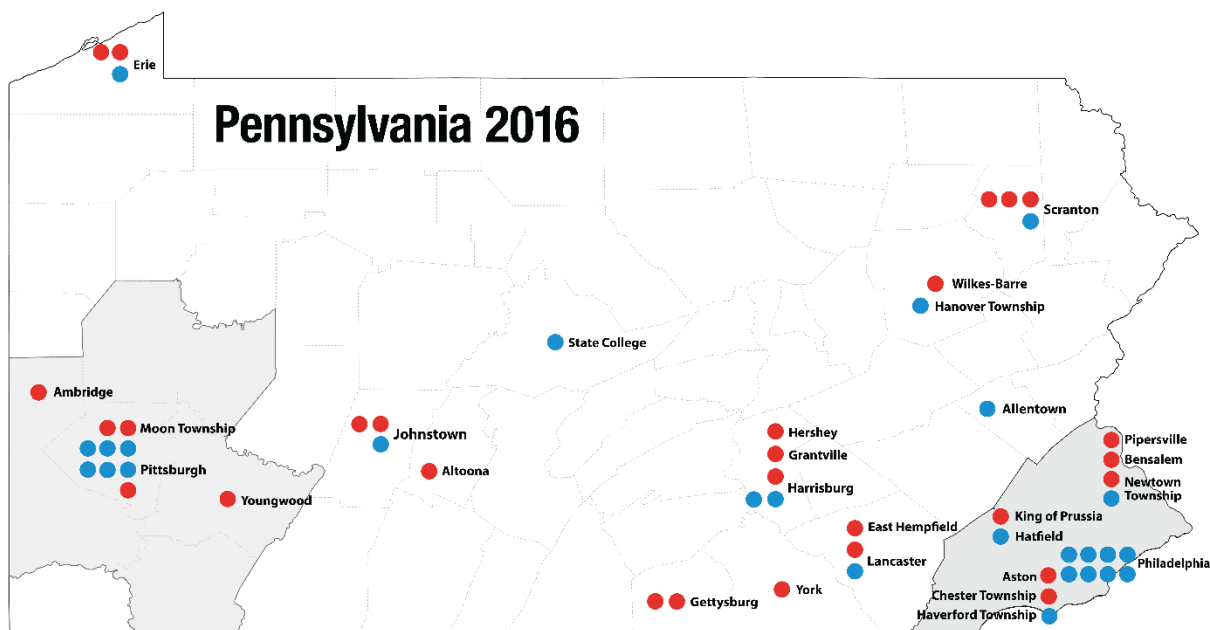
- 28 events in in the Philadelphia and Pittsburgh metro areas
- 26 events in “The T”

The locations of Pennsylvania’s 54 general-election campaign events in 2016 are shown in the table below.

As can be seen, there is a mix of small towns, middle-sized places, and big cities.

Location of Pennsylvania’s 54 Campaign Events in 2016

Place	Population	Candidate and date of campaign event	County	CD
Youngwood	3,050	Pence (11/1)	Westmoreland	18
Grantville	3,581	Pence (10/5)	Dauphin	11
Chester Twp.	3,940	Trump (9/22)	Delaware	7
Pipersville	6,212	Pence (8/23)	Bucks	8
Ambridge	7,050	Trump (10/10)	Beaver	12
Gettysburg	7,620	Pence (10/6), Trump (10/22)	Adams	4
Hanover Twp	10,866	Kaine (8/31)	Northampton	15
Hershey	14,257	Trump (11/4)	Dauphin	11
Aston	16,592	Trump (9/13)	Delaware	7
Hatfield Twp	17,249	Clinton-Kaine (7/29)	Montgomery	6
Newtown Twp	19,299	Kaine (10/26), Trump (10/21)	Bucks	8
King of Prussia	19,936	Pence (8/23)	Montgomery	7
Johnstown	20,978	Clinton-Kaine (7/30), Pence (10/6), Trump (10/21)	Cambria	12
East Hempfield	23,522	Trump (10/1)	Lancaster	16
Moon Twp	24,185	Pence (11/3), Trump (11/6)	Allegheny	14
Wilkes-Barre	41,498	Trump (10/10)	Luzerne	11
State College	42,034	Kaine (10/21)	Centre	5
York	43,718	Pence (9/29)	York	4
Altoona	46,320	Trump (8/12)	Blair	9
Haverford Twp	48,491	Clinton (10/4)	Delaware	7
Harrisburg	49,528	Clinton (10/4), Clinton-Kaine (7/29), Trump (8/1)	Dauphin	11
Lancaster	59,322	Pence (8/9), Kaine (8/30)	Lancaster	16
Bensalem	60,427	Pence (10/28)	Bucks	8
Scranton	76,089	Trump-Pence (7/27), Clinton (8/15), Pence (9/14), Trump (11/7)	Lackawanna	17
Erie	101,786	Trump (8/12), Kaine (8/30), Pence (11/7)	Erie	3
Allentown	118,032	Kaine (10/26)	Lehigh	15
Pittsburgh	305,704	Clinton-Kaine (7/30, 10/22), Pence (8/9), Kaine (9/5, 10/6), Clinton (11/4, 11/7)	Allegheny	14
Philadelphia	1,526,006	Clinton (8/16, 9/19, 11/5, 11/6, 11/7), Kaine (10/5), Clinton-Kaine (7/29, 10/22)	Philadelphia	2



In 2016, the Democratic ticket won the Philadelphia and Pittsburgh metro areas by a 60%–40% margin, while the Republican ticket won “The T” by 62%–38%. Overall, the Republican ticket won the state in 2016 by a 50.4%–49.6% margin.

	Republican	Democratic
2 biggest metro areas	40.4%	59.6%
The T	61.8%	38.2%
Total	50.4%	49.6%

In 2016, there were 28 Republican events (Trump, Pence) and 26 Democratic events (Clinton, Kaine). Each ticket devoted slightly more attention to the areas where it had highest support—with an overall result that the two biggest metro areas and “The T” received almost exactly the same overall amount of attention.

	Republican	Democratic	Total
2 biggest metro areas	11	17	28
The T	17	9	26
Total	28	26	54

2020 Campaign in Pennsylvania

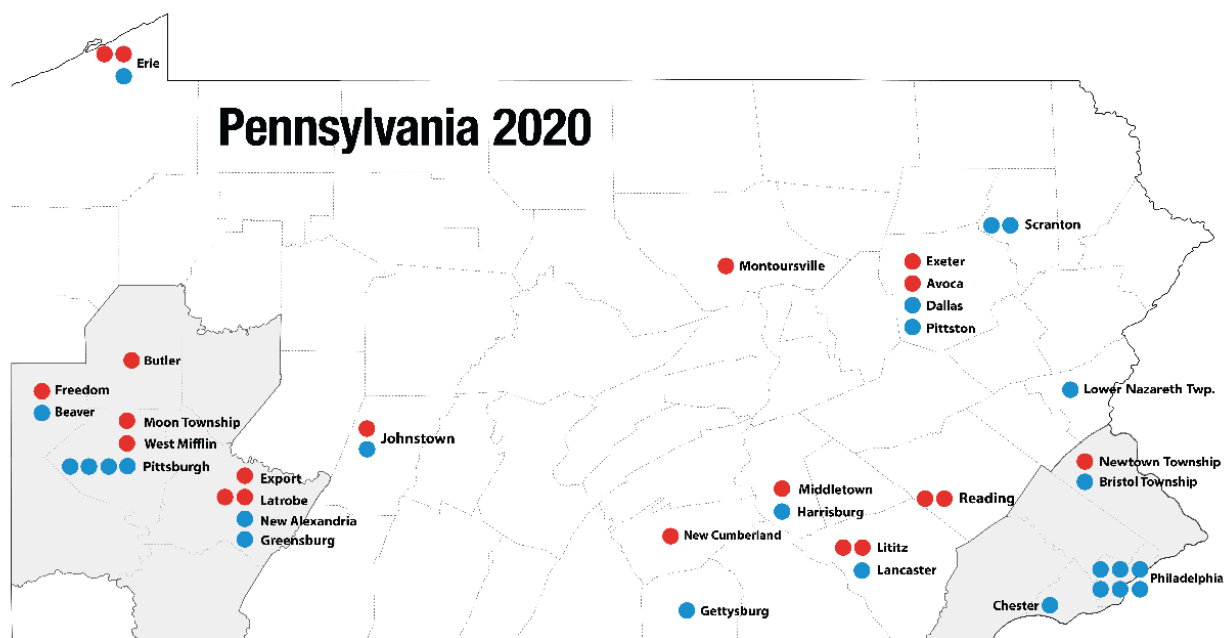
Pennsylvania was a closely divided “battleground” state in 2020. It received 45 of the nation’s 212 general-election campaign events. These 45 events were divided closely in proportion to population of the two halves of the state.

- 23 events in the Philadelphia and Pittsburgh metro areas
- 22 events in “The T”

The location of Pennsylvania’s 45 campaign events in 2020 are in the table below. As can be seen, there is a mix of small towns, middle-sized places, and big cities.

Location of Pennsylvania’s 45 Campaign Events in 2020

Place	Population	Candidate and date of campaign event	County
New Alexandria	560	Biden 9/30	Westmoreland
Export	917	Pence 9/9	Westmoreland
Freedom	1,569	Pence 9/9	Beaver
Avoca	2,661	Trump 11/2	Luzerne
Beaver	4,531	Biden 11/2	Beaver
Montoursville	4,615	Trump 10/31	Lycoming
Lower Nazareth Twp.	5,674	Harris 11/2	Northampton
Exeter	5,652	Pence 9/1	Luzerne
New Cumberland	7,277	Pence 10/19	Cumberland
Gettysburg	7,620	Biden 10/6	Adams
Pittston	7,739	Harris 11/2	Luzerne
Latrobe	8,338	Pence 11/2; Trump 9/3	Westmoreland
Dallas	8,994	Biden 10/24	Luzerne
Middletown	8,901	Trump 9/26	Dauphin
Lititz	9,369	Pence 9/29, Trump 10/26	Lancaster
Butler	13,757	Trump 10/31	Butler
Greensburg	14,892	Biden 9/30	Westmoreland
Newtown Twp.	19,299	Trump 10/31	Bucks
West Mifflin	20,313	Pence 10/23	Allegheny
Johnstown	20,978	Biden 9/30, Trump 10/13	Cambria
Moon Twp.	24,185	Trump 9/22	Allegheny
Chester	33,972	Biden 10/26	Delaware
Harrisburg	49,528	Biden 9/7	Dauphin
Bristol Twp.	54,582	Biden 10/24	Bucks
Lancaster	59,322	Biden 9/7	Lancaster
Scranton	76,089	Biden 9/17, 11/3	Lackawanna
Reading	88,082	Pence 10/17, Trump 10/31	Berks
Erie	101,786	Biden 10/10, Trump 10/20, Pence 11/2	Erie
Pittsburgh	305,704	Biden 8/31, 9/30, 11/2, 11/2	Allegheny
Philadelphia	1,526,006	Harris (9/17, 11/2), Biden (10/15, 11/1, 11/1, 11/3)	Philadelphia



The Democratic ticket won Pennsylvania in 2020 by a 50.6%–49.4% margin.

In 2020, the Democratic ticket won the Philadelphia and Pittsburgh metro areas by a 60%–40% margin, while the Republican ticket won “The T” by an almost identical 62%–38% margin. That is, politically, the two halves of the state are mirror images of each other.

	Republican	Democratic
2 biggest metro areas	40.4%	59.6%
The T	61.8%	38.2%
Total	49.4%	50.6%

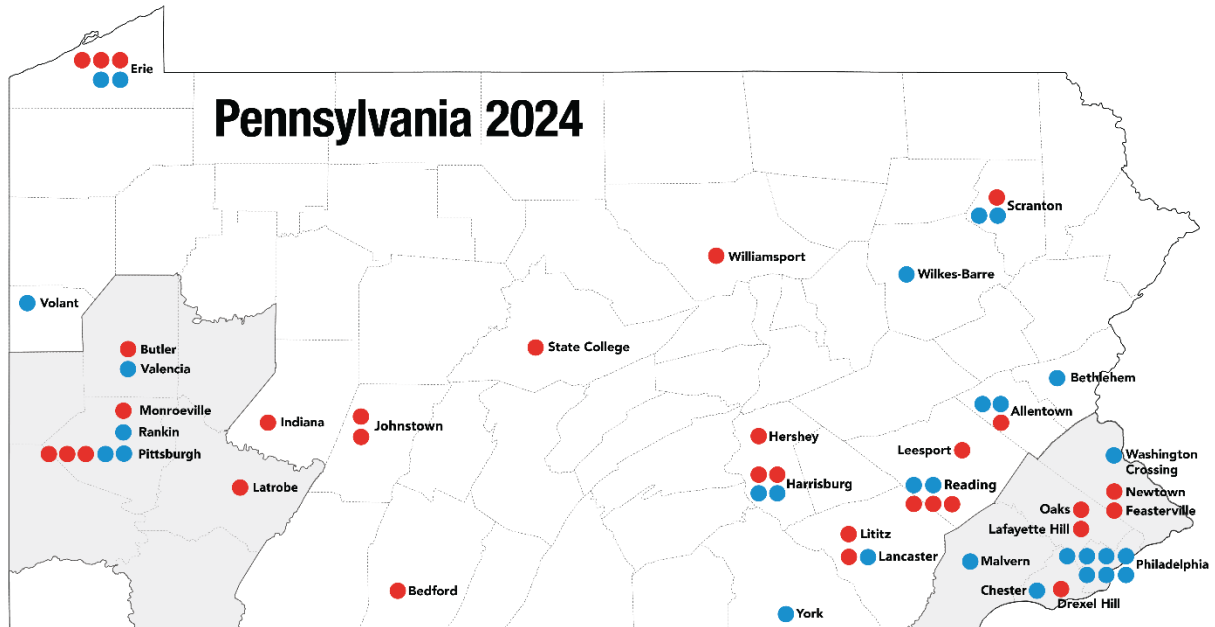
In 2020, there were 22 Republican events (Trump, Pence) and 25 Democratic events (Biden, Harris). Each ticket devoted slightly more attention to the areas where it had highest support—with an overall result that the two biggest metro areas and “The T” received almost exactly the same overall amount of attention.

	Republican	Democratic	Total
2 biggest metro areas	8	15	23
The T	12	10	22
Total	20	25	45

2024 Campaign in Pennsylvania

Pennsylvania was a closely divided “battleground” state in 2024. It received 62 of the nation’s 262 general-election campaign events. These 62 events were divided closely in proportion to population of the two halves of the state—with “the T” receiving slightly more attention in 2024 than the two major metro areas.

- 28 events in the Philadelphia and Pittsburgh metro areas
- 34 events in “The T”



Myth: The current system guarantees influence for Pennsylvania.

In fact, battleground status is fleeting and fickle.

This characteristic of the current state-by-state winner-take-all method of awarding electoral votes is illustrated by the 2012 presidential campaign.

Pennsylvania in 2012

Because polling showed that the Obama-Biden ticket was comfortably ahead in Pennsylvania throughout 2012, there was virtually no general-election presidential campaign in the state.

Neither President Obama nor Vice President Biden bothered to visit Pennsylvania during the 2012 general-election campaign.

In fact, Pennsylvania received only five of the nation’s 253 general-election campaign events in 2012—compared to 54 events in 2016 (out of 399 nationally) and 45 events in 2020 (out of 212).

That is, Pennsylvania received only about 1/10 of the attention in 2012 that it received in 2016 and 2020.

As the campaign drew to a close, Governor Romney and Congressman Ryan made five visits to Pennsylvania—four at the very end of the campaign.

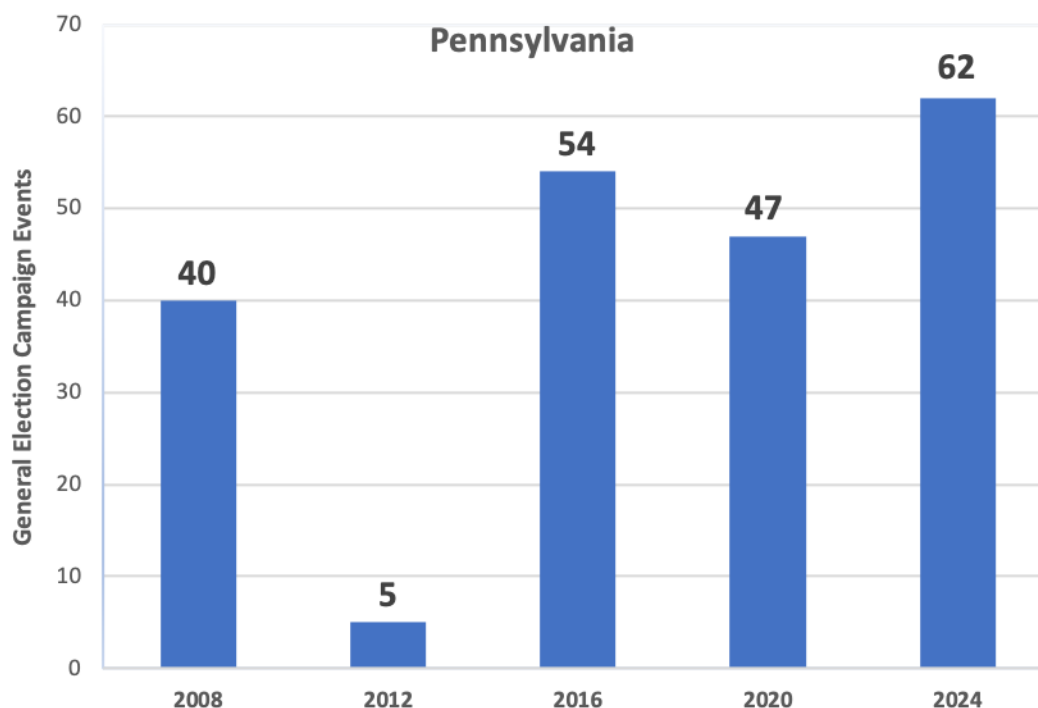
The locations of Pennsylvania’s five general-election campaign events—all Republican—in 2012 are shown in the table below.

Location of Pennsylvania’s 5 Campaign Events in 2012

Place	Population	Candidate and date of event	County
Morrisville	8,728	Romney (11/4)	Bucks
Middletown	45,436	Ryan (11/3)	Dauphin
Moon Twp.	24,185	Ryan (10/20)	Allegheny
Wayne	31,531	Romney (9/28)	Delaware
Pittsburgh	305,704	Romney (11/6)	Allegheny

Meanwhile, neighboring Ohio (which has almost as large a population as Pennsylvania) was closely divided in 2012, and it received 73 of the nation’s 253 general-election campaign events.

The figure below shows the number of general-election campaign events in Pennsylvania between 2008 and 2024.



The National Popular Vote Interstate Compact would make *every* voter in *every* state politically relevant in *every* presidential election. In particular, it would secure Pennsylvania’s role, as the nation’s fifth largest state, in *every* presidential election year.

Michigan in 2012

The fact that battleground status is fleeting and fickle is further illustrated by Michigan in 2012. Michigan received a large amount of attention in 2016 and 2020, but almost none in 2012.

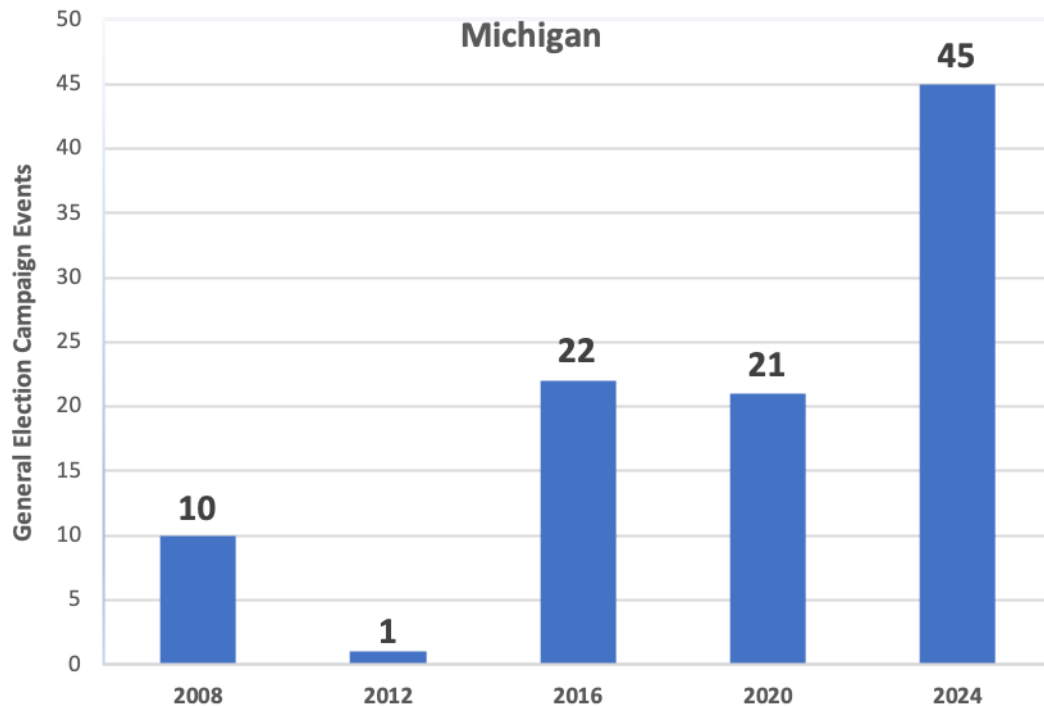
Michigan received 22 events in 2016 (out of 399 nationally) and 21 events in 2020 (out of 212).

However, because polling showed that the Democratic ticket was comfortably ahead in Michigan throughout 2012, President Obama, Vice President Biden, and Republican presidential nominee Mitt Romney did not bother to visit Michigan at all.

The state received only one visit in 2012—from Republican vice-presidential nominee Paul Ryan.

Meanwhile, neighboring Ohio (which has about the same population as Michigan) was closely divided in 2012, and it received 73 of the nation’s 253 general-election campaign events.

The figure below shows the number of general-election campaign events in Michigan between 2008 and 2024.



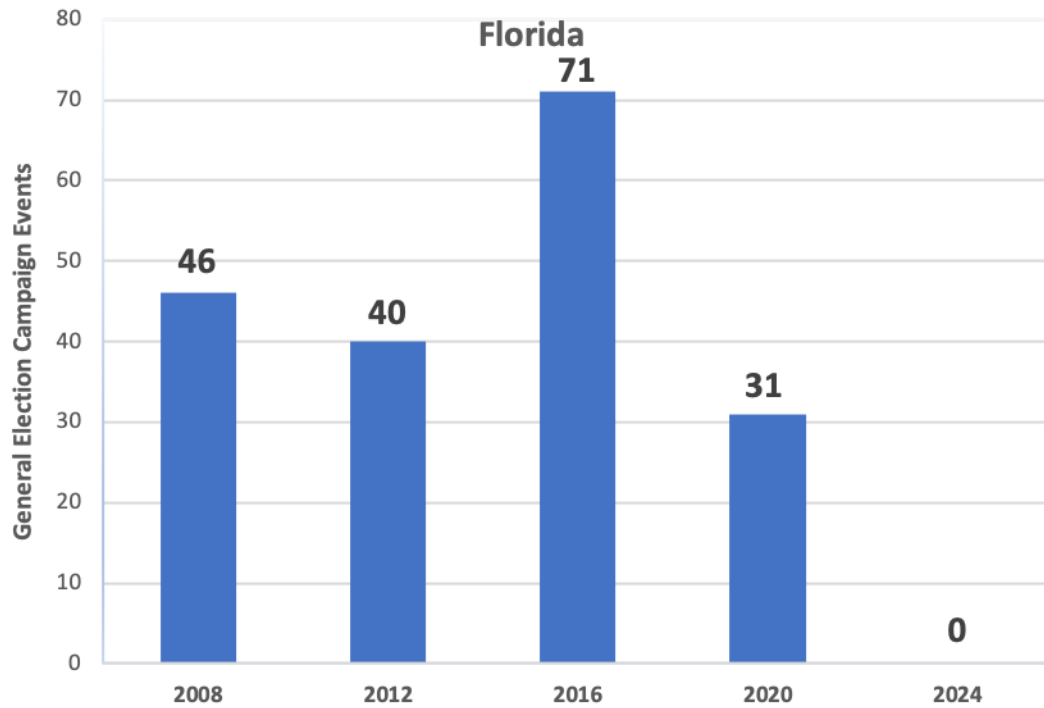
Ohio and Florida—Jilted battlegrounds

The fickle and fleeting nature of battleground status under the current state-by-state winner-take-all method of awarding electoral votes is illustrated by Ohio and Florida.

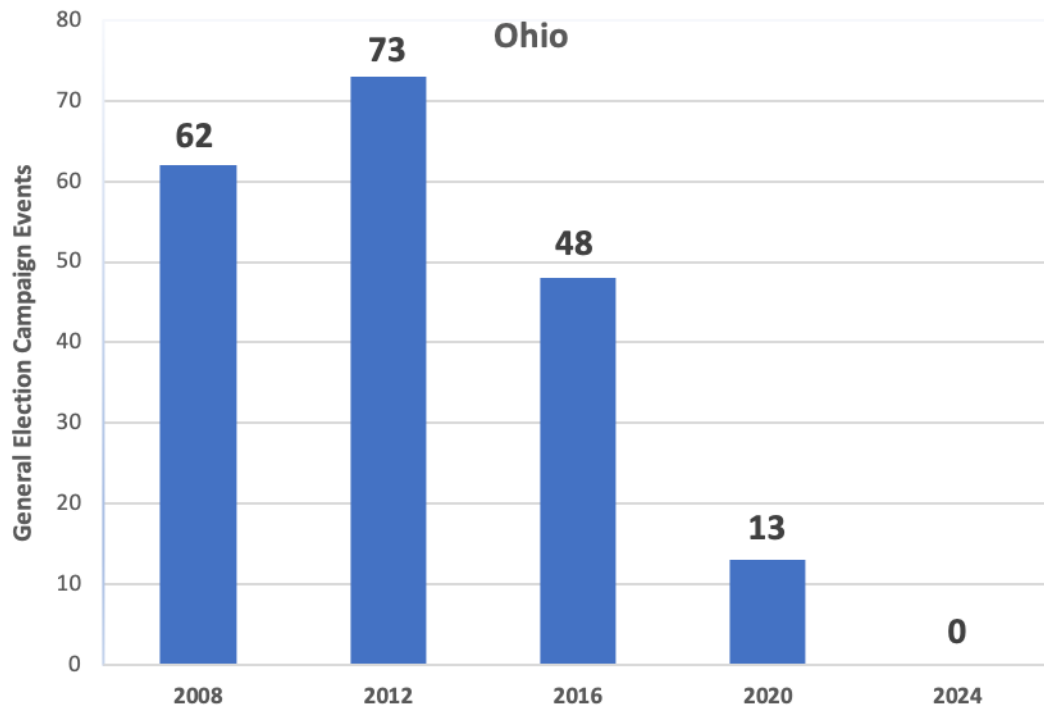
For several election cycles, both Ohio and Florida were the center of attention in presidential races.

However, both states were trending Republican and, by 2024, neither state received any general-election campaign visits from any presidential or vice-presidential candidate.

The figure below shows the number of general-election campaign events in Florida between 2008 and 2024.



The figure below shows the number of general-election campaign events in Ohio between 2008 and 2024.



Myth: The National Popular Vote Compact allows estimated vote totals.

Sean Parnell, the Senior Legislative Director of Save Our States, told the Maine Veterans and Legal Affairs Committee on January 8, 2024:

“The chief election official in NPV member states has the power to estimate vote totals for that state using any methodology they think appropriate.”⁵

Parnell has made similar false statements to state legislative committees in numerous other states—most recently to the Rhode Island House Committee on State Government and Elections on March 25, 2025:

“There are a number of technical problems, defects in the Compact. ... [One] of these problems include that if for some reason, a non-member state has not yet made its vote totals public by the time the compact requires it, **estimated vote totals can be used instead of real, authentic vote totals**, in order to calculate the national popular vote totals.”⁶ [Emphasis added]

The reader is invited to read [the 888 words of the National Popular Vote Compact](#) and verify that there is no truth to Parnell’s statement that the Compact allows vote totals to be estimated.⁷

The facts are that, under both the current system of electing the President and the National Popular Vote Compact, each state’s candidate-by-candidate popular vote count is certified by a designated state canvassing board or official shortly after Election Day. Then, the initial certification may be challenged in a court or a recount.

Moreover, federal law sets a deadline for completion of the process of making a “final determination” of each state’s presidential vote count and issuing a Certificate of Ascertainment before the Electoral College meeting.⁸

That same federal law requires that each state transmit to the National Archives its Certificate “immediately after the issuance ... by the most expeditious method available.”

The National Archives, in turn, is required to make them “public.”

After the “final determination” of each state’s official vote count, the National Popular Vote Compact requires that:

⁵ Testimony of Sean Parnell, Veterans and Legal Affairs Committee of the Maine Legislature Re: LD 1578 (The National Popular Vote interstate compact). January 8, 2024. Page 4. <https://legislature.maine.gov/legis/bills/getTestimonyDoc.asp?id=10025776>

⁶ Hearing before the Rhode Island House Committee on State Government and Elections. March 25, 2025. Timestamp –2:17:38. <https://capitolvri.cablecast.tv/show/11009?site=1>

⁷ National Popular Vote Compact. Article III, Clause 5. The full text of the Compact is at <https://www.nationalpopularvote.com/bill-text> and in Maine’s 2024 law at <https://legislature.maine.gov/bills/getPDF.asp?paper=HP1023&item=4&snum=131>

⁸ 3 U.S.C. §5(d)(1). The Electoral Count Reform Act of 2022 can be found in appendix B of the 2024 edition of *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote* at www.Every-Vote-Equal.com

“The chief election official of each member state shall treat as conclusive an official statement containing the number of popular votes in a state for each presidential slate.”⁹

Thus, the Compact’s computation of the national-popular-vote total is based entirely on the *official, certified* vote count produced for each state.

Despite what Parnell says, the officials of states belonging to the National Popular Vote Compact have no authority to “estimate” the presidential vote count from any state.

Sections 9.30.7 and 6.2.3 of the 2024 edition of *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote* at www.Every-Vote-Equal.com contain additional details about the process of certifying the popular vote by canvassing boards and officials.¹⁰

Myth: The Compact allows a state to judge counts from other states.

Trent England, the Executive Director of Save Our States wrote in 2021:

“The NPV compact simply grants power to the top election official in each state to determine the national popular vote winner for that state. In other words, **officials in various states would just decide, on their own and with no legal guidance, which numbers to use.**”¹¹ [Emphasis added]

Sean Parnell, the Senior Legislative Director of Save Our States, told the Maine Veterans and Legal Affairs Committee on January 8, 2024:

“One of the real problems with this compact is that **it puts so much power in the hands of the Secretary of State** or equivalent official. Very wide discretion.”¹² [Emphasis added]

In written testimony submitted to the Minnesota Senate Elections Committee on January 31, 2023, Parnell said:

“NPV provides no guidance on which vote totals to use in calculating the national vote total. The choice is left to the chief election official within each compact state. ... In a close election, **this could give a group of often obscure state officials the power to manipulate the national vote count** based on which vote totals they use from other states. ... This is too much power to vest

⁹ National Popular Vote Compact. Article III, Clause 5. The full text of the Compact is at <https://www.nationalpopularvote.com/bill-text> and in Maine’s 2024 law at <https://legislature.maine.gov/bills/getPDF.asp?paper=HP1023&item=4&snum=131>

¹⁰ Koza, John R.; Fadem, Barry; Grueskin, Mark; Mandell, Michael S.; Richie, Rob; and Zimmerman, Joseph F. 2024. *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote*. Los Altos, CA: National Popular Vote Press. Fifth edition. The 2024 edition of the book is available to read or download for free at www.Every-Vote-Equal.com

¹¹ England, Trent, 2021. Failed Attempt to Reconcile NPV, RCV in Maine. *Save Our States Blog*. May 14, 2021.

¹² Parnell, Sean. 2024. Testimony at Maine Veterans and Legal Affairs Committee on LD1578. January 8, 2024. Timestamp 12:22:07. <https://legislature.maine.gov/audio/#437?event=90002&startDate=2024-01-08T10:00:00-05:00>

in any official, and will lead to confusion, controversy, and chaos.”¹³ [Emphasis added]

In fact, the National Popular Vote Compact does not give administrative officials in the states belonging to the Compact any power to judge, second-guess, or manipulate the election returns of other states.

Instead, the Compact explicitly states the opposite:

“The chief election official of each member state shall **treat as conclusive** an official statement containing the number of popular votes in a state for each presidential slate.”¹⁴ [Emphasis added]

In short, the chief election officials of the states belonging to the National Popular Vote Compact perform a purely ministerial function, namely to use simple arithmetic to add up the official vote counts that have been finalized and certified by the state of origin. The Compact does not give administrative officials of states belonging to the Compact any power to judge, second-guess, or manipulate the decisions made in the state-of-origin.

Having said that, questionable vote counts are not exempt from challenge.

A state’s determination of its presidential vote count may be challenged under the National Popular Vote Compact in the same five ways that they can be under the current system, namely

- state administrative proceedings (e.g., recounts, audits),
- lower state court proceedings,
- state supreme court proceedings,
- lower federal court proceedings, and
- U.S. Supreme Court proceedings.

For example, all five of the above ways for challenging a state’s vote count were used in resolving Florida’s disputed count in the 2000 presidential election.

The Compact and the current system are identical as to how challenges to presidential vote counts are handled. Challenges must be started in the administrative and judicial system of the state of origin or in the federal court system starting in the state of origin. The state of origin is the place where the questionable events took place, where the records exist, where the witnesses are located, and where the officials and judges (state and federal) are most knowledgeable about applicable laws and procedures.

Then, after all challenges are exhausted, the administrative officials of the states belonging to the Compact perform the purely ministerial task of adding up the vote counts for each presidential candidate from each state.

In other words, if a state’s presidential vote count is questionable, the aggrieved candidate will have litigated the issue in the state of origin *before* the officials of the states belonging to the Compact perform their purely ministerial task.

Note that the National Popular Vote Compact is consistent with the Full Faith and Credit Clause of the U.S. Constitution and the principles of federalism on which the Constitution is based. Under our federal system, once a dispute has been litigated in the state-of-origin, the Full Faith and Credit Clause of the Constitution prevents another state’s officials (both administrative or

¹³ Parnell, Sean. 2023. *Save Our States Policy Memo: Ranked-Choice Voting vs. National Popular Vote*. January 27, 2023. https://www.senate.mn/committees/2023-2024/3121_Committee_on_Elections/SF%20538%20-%20Save%20Our%20States%20handout%20RCV%20vs%20NPV.pdf

¹⁴ National Popular Vote Compact. Article III, Clause 5. The full text of the Compact may be found at <https://www.nationalpopularvote.com/bill-text>

judicial) from second-guessing that decision. Given that any state’s questionable presidential vote count will necessarily have been litigated in judicial and/or administrative proceedings inside the state of origin before it finalized its vote count, the U.S. Constitution requires that

“Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State.”¹⁵

On December 7, 2020, Texas Attorney General Ken Paxton challenged that cornerstone of federalism by requesting that the U.S. Supreme Court allow the state of Texas to file a complaint against the state of Pennsylvania challenging Pennsylvania’s presidential vote count.¹⁶ The U.S. Constitution gives the Supreme Court exclusive jurisdiction over cases between states, and the Court usually gives states the chance to present their case.

Nonetheless, on December 11, 2020, the U.S. Supreme Court refused Texas’s request, saying:

“The State of Texas’s motion for leave to file a bill of complaint is denied for lack of standing under Article III of the Constitution. Texas has not demonstrated a judicially cognizable interest in the manner in which another State conducts its elections.”¹⁷

Opponents of the National Popular Vote Compact frequently contradict themselves in their criticisms of the Compact.

For example, 11 minutes after (falsely) telling the Maine Veterans and Legal Affairs Committee on January 8, 2024, that the Compact allows member states to judge the election returns of other states, Parnell complained that member states are forced to accept other state’s election returns. He said:

“The compact requires your chief election official to accept inaccurate or even manipulated vote totals from other states.”¹⁸ [Emphasis added]

Trent England, Executive Director of Save Our States, testified before a Missouri Senate committee in 2016 saying:

“In a National Popular Vote world, the state of Missouri would, essentially, have to accept—without the ability to investigate or verify—the results of ... the 49 [other] states and the District of Columbia.”¹⁹ [Emphasis added]

Parnell has repeatedly made similar statements. For example, he wrote in an op-ed in 2020:

“The NPV compact also risks causing an electoral crisis due to its poor design. ... States that join the compact are supposed to accept vote totals from every

¹⁵ U.S. Constitution. Article IV. Section 1. <https://constitution.congress.gov/constitution/article-4>

¹⁶ *Texas vs. Pennsylvania*. Motion for Leave to File Bill of Complaint. https://www.supremecourt.gov/DocketPDF/22/22O155/162953/20201207234611533_TX-v-State-Motion-2020-12-07%20FINAL.pdf

¹⁷ *Texas v. Pennsylvania*. December 11, 2020. Order 155-ORIG. 592 U.S. https://www.supremecourt.gov/orders/courtorders/121120zr_p860.pdf

¹⁸ Parnell, Sean. 2024. Testimony at Maine Veterans and Legal Affairs Committee on LD1578. January 8, 2024. Timestamp 1:11:09. <https://legislature.maine.gov/audio/#437?event=90002&startDate=2024-01-08T10:00:00-05:00>

¹⁹ Watson, Bob. 2016. Missouri Senate panel weighs popular vote for president. *Fulton Sun*. March 31, 2016. <https://www.fultonsun.com/news/2016/mar/31/senate-panel-weighs-popular-vote-president/>

other state even if they are disputed, inaccurate, incomplete, or the result of fraud or vote suppression.”²⁰

Parnell fails to mention that presidential vote counts will already have been litigated *before* the time when officials of the states belonging to the Compact must add them together. That is, administrative officials of the state belonging to the Compact cannot re-open and re-litigate issues that were already decided by the courts.

Myth: It is unclear how the Compact handles Ranked Choice Voting.

Sean Parnell, the Senior Legislative Director of Save Our States, told the Rhode Island House Committee on State Government and Elections on March 25, 2025:

“Ranked choice voting creates a problem because [the National Popular Vote Compact] anticipates that every state is going to produce a single vote total for each candidate. [In] ranked choice voting, there at least two [vote totals]—an initial and a final. These numbers can differ by tens or hundreds of thousands of votes, and **it’s not clear which vote total is supposed to be used** ... when they’re aggregating votes across state lines.”²¹ [Emphasis added]

Despite what Parnell says, there is no legitimate uncertainty as to whether to use the first-round count or the final-round count in computing the national popular vote from the states that use ranked choice voting (RCV) for President.

All three RCV-for-President jurisdictions (Maine, Alaska, and the District of Columbia) agree that the vote tally from the **final round** of RCV counting is to be used for computing the national popular vote for President.

Specifically, Maine’s RCV-for-President law provides:

“When the National Popular Vote for President Act governs the appointment of presidential electors, ... the statewide number of votes for each presidential slate that received votes **in the final round** ... is deemed to be the determination of the vote in the State for the purposes of [the National Popular Vote Compact].”²² [Emphasis added]

The District of Columbia’s RCV-for-President law provides:

“If the appointment of presidential electors ... is governed by the National Popular Vote Interstate Agreement Act of 2010, ... the final determination of the presidential vote count reported and certified to the States that have enacted such Act, for purposes of that Act, shall be the votes received **in the final round** of tabulation by each slate of candidate.”²³ [Emphasis added]

²⁰ Parnell, Sean. Opinion: Voting compact would serve Virginians badly. Charlottesville Virginia *Daily Progress*. August 9, 2020. https://dailyprogress.com/opinion/columnists/opinion-commentary-voting-compact-would-serve-virginians-badly/article_10a1c1bd-2ca3-5c97-b46d-a4b15289062d.html

²¹ Hearing before the Rhode Island House Committee on State Government and Elections. March 25, 2025. Timestamp – 2:11:43. <https://capitolvri.cablecast.tv/show/11009?site=1>

²² Chapter 628 Public Law. <https://legislature.maine.gov/bills/getPDF.asp?paper=HP1023&item=4&snum=131> The Maine law is discussed in the 2024 *Every Vote Equal* book in section 9.27.1 (page 919). www.Every-Vote-Equal.com

²³ The District of Columbia law may be found at <https://makeallvotescountdc.org/ballot-initiative/> The D.C. law is discussed in the 2024 *Every Vote Equal* book in section 9.27.1 (pages 920–921). www.Every-Vote-Equal.com

The Alaska Supreme Court unanimously stated in 2022:

“According to both [Alaska’s and Maine’s] ranked choice voting laws, the vote count is not complete until **the final round** of tabulation.”²⁴ [Emphasis added]

After Parnell told a Minnesota legislative committee in 2023 that RCV-for-President laws are “unclear,” Jeanne Massey, Executive Director of FairVote Minnesota (the leading advocate for RCV in Minnesota²⁵), said:

“I have read the opposing testimony related to RCV and National Popular Vote compatibility, and it is misleading and incorrect. **The testimony comes from an organization opposed to both RCV and NPV and has a clear motive—to hurt both reforms.** ... I urge you to disregard the unproven, misleading argument that RCV and NPV are incompatible and support the NPV legislation before you.”²⁶ [Emphasis added]

Additional details are in section 9.27 of the 2024 edition of *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote* at www.Every-Vote-Equal.com.

Myth: There is no official, timely, accurate, and conclusive national vote count.

In written testimony to the Maine Veterans and Legal Affairs Committee on January 8, 2024, Sean Parnell, the Senior Legislative Director of Save Our States, claimed:

“As for the technical defects in this compact, they are numerous and serious. In most cases, these defects stem from the same basic problem: **there is no official, timely, accurate, and conclusive national vote count** that can be used for this compact.”²⁷ [Emphasis added]

Contrary to Parnell’s statement, there *is* an official national popular vote count.

Under both the current system of electing the President and the National Popular Vote Compact, each state’s candidate-by-candidate popular vote count is certified by a designated state canvassing board or official shortly after Election Day.

Under both the current system and the National Popular Vote Compact, there are five avenues available to an aggrieved candidate to challenge the accuracy of the presidential vote count, namely:

- state administrative proceedings (including a recount),
- state lower-court proceedings,
- state supreme court proceedings,
- federal lower-court proceedings, and
- federal proceedings at the U.S. Supreme Court.

²⁴ *Kohlhaas v. State*. 518 P.3d 1095 at 1121. (2022). <https://casetext.com/case/kohlhaas-v-state-2>

²⁵ Traub, James. 2023. The Hottest Political Reform of the Moment Gains Ground: Inside Jeanne Massey’s relentless campaign to fix democracy, starting in Minnesota. *Politico*. April 16, 2023. <https://www.politico.com/news/magazine/2023/04/16/ranked-choice-voting-minnesota-00089505>

²⁶ Massey, Jeanne. 2023. Testimony before Minnesota House Elections Finance and Policy Committee. February 1, 2023. <https://www.house.mn.gov/comm/docs/TYRWZhR-kCyJCxmXC5Z1Q.pdf>

²⁷ Testimony of Sean Parnell, Veterans and Legal Affairs Committee of the Maine Legislature Re: LD 1578 (The National Popular Vote interstate compact). January 8, 2024. Page 2. <https://legislature.maine.gov/legis/bills/getTestimonyDoc.asp?id=10025776>

Federal law has required each state to issue certificates reporting on the results of presidential elections since 1792.²⁸

Current federal law sets a deadline for each state to make a “final determination” of its presidential vote count and issue a Certificate of Ascertainment six days before the Electoral College meets. It requires:

“Not later than the date that is 6 days before the time fixed for the meeting of the electors, the executive of each State shall issue a certificate of ascertainment. ... Each certificate of ascertainment of appointment of electors shall set forth the names of the electors appointed and **the canvass or other determination under the laws of such State of the number of votes** given or cast for each person for whose appointment any and all votes have been given or cast.”²⁹
[Emphasis added]

Current federal law also requires that each state transmit its Certificate of Ascertainment to the National Archives

“immediately after the issuance ... by the most expeditious method available.”³⁰

Federal law also requires that the National Archives, make the certificates “public” and “open to public inspection.”

The 51 Certificates of Ascertainment showing each state’s popular-vote count for President in 2020 may be viewed at <https://www.archives.gov/electoral-college/2020>.

To ensure the timely issuance and transmission of each state’s Certificate of Ascertainment, the Electoral Count Reform Act of 2022 (passed in response to the tumultuous events of January 6, 2021) created a special three-judge federal court whose sole function is to enforce the federal requirement for the timely “issuance” and prompt “transmission” of each state’s Certificate. This new court is open only to presidential candidates. It operates on a highly expedited basis, with expedited appeals. Specifically, all issues are required to be resolved by the new court and the U.S. Supreme Court before the Electoral College meeting.

After the “final determination” of each state’s official vote count, the National Popular Vote Compact requires that:

“The chief election official of each member state shall **treat as conclusive** an official statement containing the number of popular votes in a state for each presidential slate.”³¹ [Emphasis added]

²⁸ An Act relative to the Election of a President and Vice President of the United States, and declaring the Officer who shall act as President in case of Vacancies in the offices both of President and Vice President. 2nd Congress. 1 Stat. 239. March 1, 1792. Page 240. <https://tile.loc.gov/storage-services/service/l1/lsl/l1sl-c2/l1sl-c2.pdf>

²⁹ Section 5 of the Electoral Count Reform Act of 2022 <https://uscode.house.gov/view.xhtml?path=/prelim@title3/chapter1&edition=prelim>. This section is similar to the wording of the earlier Electoral Count Act of 1887 which was in effect between 1887 and 2022. The 1887 Electoral Count Act may be found (starting on page 6) of <https://www.every-vote-equal.com/sites/default/files/eve-4th-ed-appendixa-hh-web-v1.pdf>

³⁰ Section 5 of the Electoral Count Reform Act of 2022 <https://uscode.house.gov/view.xhtml?path=/prelim@title3/chapter1&edition=prelim..>

³¹ National Popular Vote Compact. Article III, Clause 5. The full text of the Compact is at <https://www.nationalpopularvote.com/bill-text> and in Maine’s 2024 law at <https://legislature.maine.gov/bills/getPDF.asp?paper=HP1023&item=4&snum=131>

The defenders of the current system try to deny the officialness, timeliness, accuracy, and conclusiveness of the presidential vote counts certified by the states in connection with the National Popular Vote Compact. Nonetheless, they extol the accuracy and reliability of the very same numbers when used to decide the presidency under the current system—such as the 537-vote difference in Florida that made George W. Bush President in 2000, or the margins of 10,704 in Michigan, 22,748 in Wisconsin, or 44,292 in Pennsylvania that made Donald Trump President in 2016.

The legal definition of the “national popular vote total” is contained in the National Popular Vote Compact.

The Compact arrives at the national total by simple arithmetic—adding up the officially certified number of popular votes received by each presidential candidate in each state. The Compact states:

“The chief election official of each member state shall determine the number of votes for each presidential slate in each state ... and **shall add such votes together to produce a “national popular vote total”** for each presidential slate.”³² [Emphasis added]

Parnell tries to characterize the simple arithmetic process of adding up the 51 numbers for each presidential candidate as some kind of perplexing and unresolvable mystery. He told the Minnesota House Elections Finance and Policy Committee on February 1, 2023:

“There is no official national popular vote count. There are 51 official state vote counts that national popular vote attempts to cobble together.”³³

There is no mystery or ambiguity—much less cobbling—when it comes to adding up the official vote counts from the 50 states and the District of Columbia.

In fact, the National Popular Vote Compact arrives at the national popular vote total in the same way as the constitutional amendment passed by a bipartisan 338–70 vote in the U.S. House of Representatives in 1969—namely simple arithmetic applied to official vote counts certified by the states. That amendment relied on adding up the official numbers certified by the states and simply said:

“The pair of persons having **the greatest number of votes** for President and Vice President shall be elected...”³⁴ [Emphasis added]

In short, contrary to what Parnell says, there is an “official, timely, accurate, and conclusive national vote count.”

³² National Popular Vote Compact. Article III, Clause 1. The full text of the Compact is at <https://www.nationalpopularvote.com/bill-text> The Compact may also be found starting on page 4 of Alaska Senate Bill 61 at <https://www.akleg.gov/PDF/33/Bills/SB0061A.PDF>

³³ Parnell, Sean. 2023. *Testimony at Minnesota House Elections Finance and Policy Committee on HB642*. February 1, 2023. Timestamp 1:11:14. <https://www.house.leg.state.mn.us/hjvid/93/896232>

³⁴ House Joint Resolution 681. 91st Congress. 1969. <https://fedora.dlib.indiana.edu/fedora/get/iudl:2402061/OVERVIEW>

Myth: There is no way to challenge vote counts under the Compact.

Sean Parnell, the Senior Legislative Director of Save Our States, has repeatedly asserted that there is no way to challenge incorrect vote counts under the National Popular Vote Compact.

Parnell's written testimony to the Minnesota Senate Elections Committee on January 31, 2023, said:

“NPV provides no mechanism for resolving differences or disputes.... NPV's failure to anticipate the conflict between the compact and RCV, and its additional failure to provide any guidance or process for resolving this and similar issues, makes it fatally flawed and dangerous to democracy.”³⁵

The National Popular Vote Compact—like any law that specifies how presidential electors are to be chosen—operates *inside* the existing framework of federal and state laws and *inside* the existing federal and state judicial system.

Under both the current system and the National Popular Vote Compact, there are five avenues available to an aggrieved presidential candidate to challenge an incorrect vote count, namely:

- state administrative proceedings (including a recount),
- state lower-court proceedings,
- state supreme court proceedings,
- federal lower-court proceedings, and
- federal proceedings at the U.S. Supreme Court.

In particular, a special three-judge federal court was created by the Electoral Count Reform Act of 2022 to guarantee prompt resolution of disputes over presidential vote counts. Presidential candidates have guaranteed access to this special court. In fact, this special court is only open to them. It has jurisdiction over:

“Any action brought by an aggrieved candidate for President or Vice President that arises under the Constitution or laws of the United States with respect to the issuance of the certification required under section (a)(1), or the transmission of such certification.”³⁶

This three-judge “Electoral Count Court” has the power to order the revision of a defective Certificate of Ascertainment, and the 2022 law further specifies that the revised Certificate supersedes the original. This special three-judge court operates on a highly expedited schedule, and there is expedited appeal to the U.S. Supreme Court. All of the actions of this court and the Supreme Court must be scheduled so as to reach a conclusion prior to the Electoral College meeting.

Additional details are in section 9.30 of the 2024 edition of *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote* at www.Every-Vote-Equal.com.

³⁵ Parnell, Sean. 2023. *Save Our States Policy Memo: Ranked-Choice Voting vs. National Popular Vote*. January 27, 2023. https://www.senate.mn/committees/2023-2024/3121_Committee_on_Elections/SF%20538%20-%20Save%20Our%20States%20handout%20RCV%20vs%20NPV.pdf

³⁶ 3 U.S.C. §5(d)(1). The Electoral Count Reform Act of 2022 can be found in appendix B of the 2024 edition of *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote* at www.Every-Vote-Equal.com

Myth: A “one-person-three-votes” scheme would inflate a state’s vote.

Sean Parnell, the Senior Legislative Director of Save Our States, told the Rhode Island House Committee on State Government and Elections on March 25, 2025, that states are free to inflate their vote counts.

“Another issue is that the compact can be very easily manipulated by states. ... A state could simply decide they’re going to report their votes as if every voter had cast as many votes as the state has electors. So Wyoming could, **instead of reporting 125,000 vote margin** for the Republican in the last go around, **they could have reported a 375,000 vote margin, because they have three electors. And there’s nothing that you would be able to do about it.** If you’re in the Compact, you would have to accept these inflated or manipulated vote totals.”³⁷ [Emphasis added]

Parnell testified similarly on January 8, 2024, before the Maine Veterans and Legal Affairs Committee saying (inaccurately):

“The chief election officials in NPV member states would be required to accept these inflated vote totals.”³⁸

Parnell’s “one-person-three-votes” scheme would not work because the National Popular Vote Compact specifically calls for the use of the number of popular votes received by each “*presidential slate*.”

The Compact does *not* call for the *cumulative* number of votes received by the three separate candidates for presidential elector in Wyoming (which would be three times larger).

The *cumulative* number of votes cast for all three of Wyoming’s presidential electors is no more relevant to the calculation specified by the Compact than the temperature on the steps of the Wyoming State Capitol on Election Day.

Article III, clause 1 of the Compact unambiguously states:

“[T]he chief election official of each member state shall determine **the number of votes for each presidential slate** in each State of the United States and in the District of Columbia in which votes have been cast in a statewide popular election and shall add such votes together to produce a ‘national popular vote total’ for each presidential slate.” [Emphasis added]

Article V of the Compact defines the term “presidential slate” as follows:

“**“presidential slate’ shall mean** a slate of two persons, the first of whom has been nominated as a candidate for President of the United States and the second of whom has been nominated as a candidate for Vice President of the United States....” [Emphasis added]

Article III, clause 5 of the Compact says:

³⁷ Hearing before the Rhode Island House Committee on State Government and Elections. March 25, 2025. Timestamp –2:09:24. <https://capitolvri.cablecast.tv/show/11009?site=1>

³⁸ Testimony of Sean Parnell, Veterans and Legal Affairs Committee of the Maine Legislature Re: LD 1578 (The National Popular Vote interstate compact). January 8, 2024. Page 6. <https://legislature.maine.gov/legis/bills/getTestimonyDoc.asp?id=10025776>

“The chief election official of each member state shall treat as conclusive an official statement containing **the number of popular votes in a state for each presidential slate.**” [Emphasis added]

Additional details are in section 9.31.4 of the 2024 edition of *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote* at www.Every-Vote-Equal.com.

Myth: The Compact can be thwarted with secret elections.

Sean Parnell, the Senior Legislative Director of Save Our States, told the Rhode Island House Committee on State Government and Elections on March 25, 2025, that states can keep their election returns secret.

“There are a number of technical problems, defects in the Compact. ... [One] of these problems include that if for some reason, **a non-member state has not yet made its vote totals public by the time the compact requires it**, estimated vote totals can be used instead of real, authentic vote totals, in order to calculate the national popular vote totals.”³⁹ [Emphasis added]

First of all, the National Popular Vote Compact does not “require” any non-member state to do anything. However, federal law does.

Federal law sets a firm deadline for a state to make a final determination of its presidential vote count and issue a Certificate of Ascertainment—six days before the Electoral College meeting.⁴⁰

That same federal law requires that each state transmit to the National Archives its Certificate of Ascertainment

“immediately after the issuance ... by the most expeditious method available.”

The National Archives, in turn, is required to make them “public.”

Federal law also established a special three-judge federal court—open only to presidential candidates and operating on a highly expedited schedule—to enforce the “issuance” of each state’s Certificate of Ascertainment and its “transmission” to the National Archives.

In short, federal law does not allow a state to keep its presidential vote count secret.

Despite the requirements of federal law, Parnell has advanced the theory for many years that a state can keep election returns secret.

For example, Parnell told the Connecticut Government Administration and Elections Committee on February 24, 2014, that:

“A very simple way for any non-member state to thwart the Compact, either intentionally or unintentionally, would simply be to not submit their Certificate or release it to the public until after the electoral college has met. This simple act would leave states that are members of the compact without vote totals from every state, throwing the system into chaos.”⁴¹ [Emphasis added]

³⁹ Hearing before the Rhode Island House Committee on State Government and Elections. March 25, 2025. Timestamp – 2:17:38. <https://capitolvri.cablecast.tv/show/11009?site=1>

⁴⁰ 3 U.S.C. §5(d)(1). The Electoral Count Reform Act of 2022 can be found in appendix B of the 2024 edition of *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote* at www.Every-Vote-Equal.com

⁴¹ Parnell, Sean. 2014. Testimony before Connecticut Government Administration and Elections Committee. February 24, 2014.

State legislative bills to implement Parnell’s plan for secret elections were introduced and defeated in New Hampshire,^{42,43} South Dakota,^{44,45,46} and North Dakota⁴⁷ in 2020 and 2021.

Parnell summarized efforts to pass secret election legislation on the Save Our States’s blog on February 10, 2021:

“What if a state was deliberately trying to thwart the compact? Could they deny NPV compact states access to the vote totals they needed to operate?

Last year legislation was introduced in New Hampshire, HB 1531, that would prevent the release of vote totals prior to the meeting of the Electoral College. Two more states, Mississippi and North Dakota, have similar bills this year (HB 1176 and SB 2271, respectively).”

“This legislation is specifically aimed at thwarting NPV.”⁴⁸ [Emphasis added]

Federal law prevents a state from playing Parnell’s “hide the ball” game with its presidential vote counts:

“§5(a)(1) Certification—Not later than the date that is **6 days before** the time fixed for the meeting of the electors, **the executive of each State shall issue a certificate of ascertainment** of appointment of electors, under and in pursuance of the laws of such State providing for such appointment and ascertainment enacted prior to election day.

“(2) Form of certificate—Each certificate of ascertainment of appointment of electors shall (A) set forth the names of the electors appointed and the canvass or other determination under the laws of such State of **the number of votes** given or cast for each person for whose appointment any and all votes have been given or cast....”⁴⁹ [Emphasis added]

⁴² New Hampshire House Bill 1531 of 2020 entitled “Relative to the release of voting information in a presidential election.” https://www.gencourt.state.nh.us/bill_status/legacy/bs2016/

⁴³ On January 28, 2020, former Michigan Republican Chair Saul Anuzis testified on behalf of the National Popular Vote organization against the bill. See Testimony Against the Secret Presidential Elections Bill (HB1531) by Saul Anuzis at the New Hampshire House Committee on Election Law https://www.nationalpopularvote.com/sites/default/files/testimony-nh-bill-hb1531-secret_elections-2020-1-28.pdf

⁴⁴ Hess, Dana. 2020. GOP bill keeps presidential election vote totals a secret in state. *Rapid City Journal*. February 10, 2020. https://rapidcityjournal.com/news/local/gop-bill-keeps-presidential-election-vote-totals-a-secret-in/article_d557b7d1-19b8-5f57-ae23-e4867bdd7c97.html

⁴⁵ Heidelberger, Cory Allen. 2020. SB 103: Stalzer Sabotaging National Popular Vote by Keeping South Dakota Vote Count Secret? *Dakota Free Press*. February 10, 2020. <https://dakotafreepress.com/2020/02/10/sb-103-stalzer-sabotaging-national-popular-vote-by-keeping-south-dakota-vote-count-secret/>

⁴⁶ South Dakota SB103 of 2020. Limit the disclosure of presidential election results and to provide for a suspension of such disclosure. http://sdlegislature.gov/Legislative_Session/Bills/Bill.aspx?Bill=103&Session=2020

⁴⁷ North Dakota SB2271 of 2021. An Act relating to withholding vote totals for presidential elections. https://ndlegis.gov/assembly/67-2021/regular/bill-overview/bo2271.html?bill_year=2021&bill_number=2271

⁴⁸ Parnell, Sean. 2021. States consider preemptive measures against National Popular Vote. *Save Our States Blog*. February 10, 2021. Accessed March 31, 2025. <https://saveourstates.com/blog/states-consider-preemptive-measures-against-national-popular-vote>

⁴⁹ 3 U.S.C. §5(d)(1). The Electoral Count Reform Act of 2022 can be found in appendix B of the 2024 edition of *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote* at www.Every-Vote-Equal.com

Federal law also requires that the Certificate be “immediately” transmitted to the National Archives in Washington using “the most expeditious method available.”

“§5(b)(1) Transmission—It shall be the duty of the executive of each State—
(1) to transmit to the Archivist of the United States, **immediately after the issuance** of a certificate of ascertainment of appointment of electors and by **the most expeditious method available**, such certificate of ascertainment of appointment of electors.”⁵⁰ [Emphasis added]

Certificates received by the National Archives must be open to public inspection according to section 6 of the 2022 Act.

Myth: California gave Trump an extra 4.5 million votes in 2016.

Sean Parnell, the Senior Legislative Director of Save Our States, told the Rhode Island House Committee on State Government and Elections on March 25, 2025:

“California ... wound up giving Donald Trump an extra 4.5 million votes that would have been applied in the national vote count, because he was the endorsed candidate in California, of course, of the Republican Party, but he was also the endorsed candidate of something called the American Independent Party. And because there was only a single line on the ballot for people to vote for Donald Trump, and there were separate slates of electors. The way the Compact is written, ... it would have **given him [Trump] an extra four and a half million votes in 2016**. Meaning that technically, **Donald Trump would have won under the national popular vote compact in 2016**. Which seems like a pretty defective and broken system, if you ask me.”⁵¹ [Emphasis added]

Parnell testified similarly on January 8, 2024, before the Maine Veterans and Legal Affairs Committee saying (inaccurately):

“California election officials ... treated and reported every Trump/Pence voter as having cast two votes.”⁵²

Contrary to what Parnell says, the fact that the Trump–Pence ticket happened to have been endorsed by two different political parties does not double the number of votes that the Trump–Pence ticket received from California voters.

The facts are:

- The Trump-Pence slate received 4,483,810 popular votes in California in 2016.
- California did not count votes for the Trump-Pence slate twice in 2016.
- The *only* number appearing anywhere on California’s 2016 Certificate of Ascertainment in connection with the Trump-Pence slate is 4,483,810.

⁵⁰ Section 5(b)(1) of the 2022 Act further requires the executive of each state “to transmit to the electors of such State, on or before the day on which the electors are required to meet under section 7, six duplicate-originals of the same certificate.”

⁵¹ Hearing before the Rhode Island House Committee on State Government and Elections. March 25, 2025. Timestamp – 2:10:30. <https://capitoltvri.cablecast.tv/show/11009?site=1>

⁵² Testimony of Sean Parnell, Veterans and Legal Affairs Committee of the Maine Legislature Re: LD 1578 (The National Popular Vote interstate compact). January 8, 2024. Page 5. <https://legislature.maine.gov/legis/bills/getTestimonyDoc.asp?id=10025776>

- California’s 2016 Certificate of Ascertainment did not give the Trump-Pence slate an extra 4,483,810 votes.

- If the National Popular Vote Compact had been in effect in 2016, the states belonging to the Compact would have uneventfully credited the Trump-Pence slate with the number of popular votes that it actually received in California, namely 4,483,810.

Moreover, California’s 2016 Certificate of Ascertainment explicitly states that the Clinton-Kaine ticket’s 8,753,788 vote total was higher than the vote total of any other ticket listed on the Certificate—including the 4,483,810 votes received by the Trump-Pence slate.

The Certificate reads:

“I, Edmond G. Brown, Governor of the State of California, hereby certify ... the following persons received **the highest number of votes** for Electors of the President and Vice President of the United States for the State of California ... California Democratic Party Electors Pledged to Hillary Clinton for President of the United States and Tim Kaine for Vice President of the United States ... Number of Votes—8,753,788.”⁵³ [Emphasis added]

Additional details are in section 9.30.5 of the 2024 edition of *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote* at www.Every-Vote-Equal.com.

Myth: States could gain advantage by giving parents an extra vote for each child.

Sean Parnell, the Senior Legislative Director of Save Our States, told the Maine Veterans and Legal Affairs Committee on January 8, 2024:

“The compact can be easily gamed or manipulated. One fairly simple way for a state to increase its influence in the final outcome would be ... **allowing parents to cast votes on behalf of their minor children.**”^{54,55} [Emphasis added]

The partisan impact of the parental-voting proposal is freely acknowledged by its advocates. Professor Joshua Kleinfeld of the Antonin Scalia Law School and Professor Stephen E. Sachs, the Antonin Scalia Professor of Law at Harvard Law School, have said that there is a

“two-percentage-point increase in the Republican advantage as between nonparents and parents of children under 18.”⁵⁶

There is, of course, no shortage of state-level schemes for manipulating the electorate for partisan advantage. For example, giving a voter an extra vote for each year of higher education would skew politics in favor of left-of-center policies.

⁵³ California’s 2016 Certificate of Ascertainment is at <https://www.archives.gov/files/electoral-college/2016/ascertainment-california.pdf>

⁵⁴ Testimony of Sean Parnell, Veterans and Legal Affairs Committee of the Maine Legislature Re: LD 1578 (The National Popular Vote interstate compact). January 8, 2024. Page 6. <https://legislature.maine.gov/legis/bills/getTestimonyDoc.asp?id=10025776>

⁵⁵ Parnell said substantially the same thing at the hearing before the Rhode Island House Committee on State Government and Elections on March 25, 2025. Timestamp – 2:09:24. <https://capitolvtrri.cablecast.tv/show/11009?site=1>

⁵⁶ Kleinfeld, Joshua and Sachs, Stephen E. 2024. Give Parents the Vote. *Notre Dame Law Review*. Page 62. Available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4723276

In any case, Parnell tells only half the story. He fails to mention that the current system of electing the President is more vulnerable to this kind of partisan maneuver than a nationwide system.

Like many criticisms aimed at the National Popular Vote Compact, the criticism applies more to the current state-by-state winner-take-all system than a nationwide system.

For example, if a Republican-controlled state government in one of the seven closely divided battleground states (say, Georgia) gave parents extra votes, it would be far more likely to affect the national outcome under the current system than it would in a nationwide system in which over 155 million votes are cast.

Of course, a state law that gives certain adults extra votes based on their number of underage children would violate the Equal Protection Clause of the 14th Amendment. The categories of disadvantaged citizens who would challenge such a law would include:

- married couples with no children (and particularly infertile couples);
- married couples with only one child (who would be less influential than those with two or more children);
- married couples with only two children (who would be less influential than those with three children), and so forth;
- divorced parents who do not have custody of their children;
- single parents (whose children would be less influential than children in households with two parents);
- single persons without children; and
- members of the United Society of Believers in Christ's Second Appearing (commonly known as Shakers), who believe in celibacy and would therefore add religious discrimination to the proposal's constitutional vulnerability.

As a practical matter, there is no significant support for giving parents an additional vote for each of their children.

Additional details are in section 9.39 of the 2024 edition of *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote* at www.Every-Vote-Equal.com.

Myth: States could gain advantage by lowering the voting age.

Sean Parnell, the Senior Legislative Director of Save Our States, told the Maine Veterans and Legal Affairs Committee on January 8, 2024,:

“The compact can be easily gamed or manipulated. One fairly simple way for a state to increase its influence in the final outcome would be to **expand voting rights to those under 18.**”^{57,58} [Emphasis added]

Parnell tells only half the story. In particular, he fails to mention that the current system of electing the President is more vulnerable to this kind of partisan maneuver than a nationwide system.

⁵⁷ Testimony of Sean Parnell, Veterans and Legal Affairs Committee of the Maine Legislature Re: LD 1578 (The National Popular Vote interstate compact). January 8, 2024. Page 6. <https://legislature.maine.gov/legis/bills/getTestimonyDoc.asp?id=10025776>

⁵⁸ Parnell said substantially the same thing at the hearing before the Rhode Island House Committee on State Government and Elections on March 25, 2025. Timestamp – 2:09:24. <https://capitoltvri.cablecast.tv/show/11009?site=1>

Extra votes in a closely divided battleground state would be far more likely to affect the national outcome of a presidential election under the current system than it would in a nationwide system in which all 50 states matter. Like many criticisms aimed at the National Popular Vote Compact, the criticism applies more to the current state-by-state winner-take-all system than a nationwide system.

As a practical political matter, lowering the voting age to 17 would have negligible effect. It would result in a net gain of about 0.08% in favor of one candidate in the particular state involved:

- Seventeen-year-olds represent only about 1.2% of the population.
- Only about a third of 17-year-olds would be likely to vote.⁵⁹
- A third of 1.2% is 0.4%.
- Assuming that one candidate had a lead as large as three-to-two among this 0.4% sliver of the electorate (that is, a split of 0.24% for the favored candidate and 0.16% for the other), the favored candidate's net gain would be only 0.08% in the state involved.

In almost every state, lowering the voting age is not easy. It would require a state constitutional amendment requiring a vote of the people. In general, there is little political support for giving the vote to 17-year-olds. For example, in 2020 in California (the state that Parnell specifically mentions), voters decisively defeated a constitutional amendment to allow 17-year-olds to vote in the state's June primary if they would be 18 by the time of the November general election.

Additional details are in section 9.18 of the 2024 edition of *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote* at www.Every-Vote-Equal.com.

Myth: The Recount problem would be worse under National Popular Vote.

The fact is that there would be considerably less need for a recount in a nationwide election than under the current state-by-state winner-take-all method of awarding electoral votes.

Moreover, the only practical way to assure that a recount is available wherever it might be needed—under both the current system and under a national popular vote for President—is for Congress to pass a law giving presidential candidates a right to a timely recount (provided they pay for it).

Sean Parnell, the Senior Legislative Director of Save Our States, also told the Rhode Island House Committee on State Government and Elections on March 25, 2025:

“If the national vote margin were very close, you could not have a national recount, because every state has its own recount laws, and many of them would simply not be able to apply a national margin to their in-state votes. That’s just not the way that their state recount laws are written. **So you would have a partial recount.**”⁶⁰ [Emphasis added]

This is another example of Parnell telling only half the story.

⁵⁹ This estimate is based on the fact that the percentage of the U.S. population who voted in the November 2020 general election is highly correlated to age. Turnout was 70% for those aged 75 and over, and it dropped to 64% for those aged 25-34. Then, it dropped to 49%, 47% and 40% for those aged 20, 19, and 18, respectively. The sharp decline in voter turnout from age 20 to 19 to 18 suggests that fewer than 40% of 17-year-olds would be likely to vote if they were permitted to do so. So, a one-third turnout seems like a reasonable estimate for 17-year-olds. See U.S. Census data at <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-585.html>

⁶⁰ Hearing before the Rhode Island House Committee on State Government and Elections. March 25, 2025. Timestamp 2:11:20. <https://capitolvri.cablecast.tv/show/11009?site=1>

The unfortunate fact is that getting a recount under the current system today is the exception.

Since 2000, only two of the six requested statewide recounts of outcome-determinative states actually took place.

- In 2000, supporters of George W. Bush were able to use the courts to thwart a hand recount of his slender 537-popular-vote lead in the decisive state of Florida.

- In 2004, attempts to obtain a recount in the decisive state of Ohio were unsuccessful.

- In 2016, requests to obtain recounts in two of that election's three decisive states (Michigan and Pennsylvania) were successfully blocked in court by the candidate who was in the lead. Only one of the three requested recounts was actually conducted—Wisconsin.

- In 2020, the results of six closely divided states were vigorously disputed, but a statewide recount was conducted in only one state—Georgia.

Moreover, recounts are frequently warranted under the current system, because the winning candidate's share of the two-party vote in the outcome-determinative states is often only a hair above 50%:

- 50.0046% in the one outcome-determinative state (Florida) in 2000,
- 50.41% in Wisconsin, 50.38% in Pennsylvania, and 50.12% in Michigan in 2016,
- 50.32% in Wisconsin, 50.16% in Arizona, and 50.12% in Georgia in 2020, and
- 50.86% in Pennsylvania, 50.72% in Michigan, and 50.44% in Wisconsin in 2024.

Moreover, the outcome of a single state is more likely to decide the national outcome under the current state-by-state winner-take-all system than under a nationwide system in which all 50 states matter.

- The winning candidate's entire *electoral-vote margin* under the current system came from just one state in 17 of the last 50 presidential elections—that is, a third of the time.⁶¹

- In contrast, the winning candidate's entire *national-popular-vote margin* came from just one state in only six out of 50 elections.

Moreover, in 15 states, a recount is available today only if the initial count is within a highly constrained percentage.⁶² That is, these recount laws paradoxically offer the promise of correcting a small error in the initial count—but no way to correct a large error.

It is unfortunate that most state recount laws do not, in practice, allow a presidential election under the current system to be recounted.

The unfortunate unavailability could be addressed if all 50 states and the District of Columbia updated their recount laws. Alternatively, Congress could pass a federal law guaranteeing presidential candidates the right to a timely recount.

The good news is that it is very unlikely that a nationwide recount would ever be needed in a national popular vote for President.

⁶¹ There have been 50 presidential elections since 1824—the first year in which a majority of the states (in fact, 18 of 24) conducted popular elections for presidential elector. See table 9.16 and table 9.17 in section 9.4.3 of the 2024 edition of *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote* at www.Every-Vote-Equal.com

⁶² According to FairVote, a recount is possible in 15 states only if the initial count is within the following narrow limits: Delaware (0.5%), Georgia (0.5%), Illinois (5%), Maryland (5%), Massachusetts (0.5%), Missouri (0.5%), Montana (0.5%), New Hampshire (20%), North Carolina (0.5%), North Dakota (2%), Rhode Island (0.5%), South Dakota (0.25%), Texas (10%), Utah (0.25%), Vermont (2%), Virginia (1%), and Wisconsin (1%).

The **multi-million vote margins** regularly produced in a nationwide vote would be far less susceptible to being affected by error or mischief than the **microscopic margins** in one, two, or three outcome-determinative states that regularly decide the presidency under the current system.

In the seven presidential elections between 2000 and 2024:

- The average margin of victory in the national popular vote was 4,327,902.
- The presidency was decided under the current system by an average of a mere 279,628 popular votes spread over an average of three outcome-determinative states.⁶³

The number of votes that are likely to be changed by a nationwide recount (that is, recounts in all 50 states) can be estimated by standard statistical methods applied to historical data about actual recounts.

Data compiled by FairVote shows that there were 36 recounts among the 6,929 statewide general elections in the 24-year period between 2000 and 2023. The probability of a statewide general-election recount is 1-in-192. Only one in 12 recounts changed the outcome. The distribution of changes in the initial winner's number of votes as a result of the recounts in all the statewide recounts during this 24-year period has a mean of 57 votes and a standard deviation of 1,134 votes.

Applying standard statistical methods to the distribution of changes in the initial winner's number of votes as a result of the recounts to 50 states (that is, a nationwide recount) shows that:

- The probability is very high (99.74%) that a nationwide recount would change the initial winner's lead by fewer than 24,294 votes in one direction or the other.

- To say it another way, the probability is very low (0.26% or approximately one chance in 369) that a nationwide recount would change the initial winner's lead by more than 24,294 votes.

- Also, the probability is very high (99.74%) that only one nationwide presidential election in 324 would be close enough to be reversed by a recount. That is, one nationwide presidential election every 1,296 years would be close enough to be reversed by a recount.⁶⁴

The bottom line is that there would be considerably less need for a recount in a nationwide election than under the current state-by-state winner-take-all method of awarding electoral votes.

Because a recount would almost never be needed under the Compact, the Compact is superior to the current system if one is concerned about recounts.

Additional details are in section 9.34 of the 2024 edition of *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote* at www.Every-Vote-Equal.com.

⁶³ See table 1.33 in section 1.3 of the 2024 edition of *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote* at www.Every-Vote-Equal.com

⁶⁴ See table 9.50 and figure 9.26 in section 9.34 of the 2024 edition of *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote*. Note that figure 9.26 was inadvertently omitted from the first printing of the 2024 book. The missing figure can be found on-line in the *second* printing at www.Every-Vote-Equal.com