



Answering False Claims by Save Our States about the National Popular Vote Bill in Arizona (SB1300, HB4013)

September 10, 2026

The misleading statements recently made by Sean Parnell (the senior legislative director of Save Our States) to Arizona legislators are based on inaccuracies about what is actually in the National Popular Vote bill ([SB1300](#), HB4013) and existing federal and state laws.

Meanwhile, the opponents of the National Popular Vote Compact do not address—and cannot address—the shortcomings of the current system of electing the President, namely that it does not

- guarantee the Presidency to the candidate who gets the most votes nationwide,
- make every vote equal throughout the country, and
- give candidates a reason to campaign in all 50 states in every election.

Clickable Table of Contents:

Facts about vote counting under the National Popular Vote Compact	1
The Compact uses official certified vote counts.	2
Ranked-choice voting is handled unambiguously and correctly by the Compact.	2
Federal and state laws guarantee timely vote counts.	3
Recounts are a recurring problem under the current system, but would all but vanish under the Compact.	4
Legal maneuvering blocks most requested recounts under the current system.	4
It would be very unlikely that a nationwide recount would ever change the outcome.	5
The Compact counts votes from every state and treats them equally.	6
The Compact includes the vote counts from every state.	7
Millions of votes will not be discarded just because one voter casts a write-in vote.	7

Facts about vote counting under the National Popular Vote Compact

Sean Parnell (the senior legislative director of Save Our States and leading paid lobbyist opposing the National Popular Vote Compact) recently wrote in emails to Arizona legislators:

“There is no official national vote count that can be used to determine the winner. Instead, each member state must on its own make determinations on things like **how to interpret vote totals from states using ranked choice voting** and **what to do if a non-member state doesn't have certified, final vote totals available** by the deadline.”

[Emphasis added]

There are three misleading and incorrect claims in the above statement.

The Compact uses official certified vote counts.

Despite Parnell's claim, there *is* an official national popular vote count.

Long-standing federal law requires each state to issue a Certificate of Ascertainment containing the official count of the votes cast in the state for each presidential-vice-presidential slate.

Every state has a law requiring a designated board or official to certify the number of popular votes cast for each presidential candidate shortly after Election Day. These official vote counts then appear in that state's Certificate of Ascertainment.

In short, the Compact relies on the same official certified vote counts as the current system.

You can see the 51 Certificates of Ascertainment showing each state's official popular-vote count for President in 2024 at <https://www.archives.gov/electoral-college/2024>.

The legal definition of the "national popular vote total" is contained in the National Popular Vote Compact. The Compact arrives at the "national popular vote total" in the same way as the proposed constitutional amendment that the U.S. House of Representatives passed by a bipartisan 338–70 vote in 1969. Both are based on applying ordinary arithmetic to the officially certified vote counts that federal law already requires every state to provide and that every state already routinely produces.

Despite these facts, Save Our States (Parnell's employer) [tweeted](#) on June 26, 2026:

"The National Popular Vote interstate compact's reliance on unvetted local results instead of official state canvassed results could lead to serious inaccuracies."

A more detailed discussion about this topic appears on page 943 of our book [Every Vote Equal](#).

Ranked-choice voting is handled unambiguously and correctly by the Compact.

Despite what Parnell would have you believe, the National Popular Vote Compact does *not* give states belonging to the Compact any power to interpret, judge, or manipulate the election returns of other states.

In fact, the Compact (clause 5, article III) explicitly states the exact 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."
[Emphasis added]

Moreover, there is nothing to "interpret" concerning the votes cast by the three jurisdictions that currently have ranked-choice voting for presidential elections (Maine, Alaska, and the District of Columbia). All three are unambiguous as to how their state's votes are to be counted in connection with the National Popular Vote Compact. Specifically, the vote count from the *final round* of RCV tabulation is to be used.

For example, Maine law specifies:

"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].**"¹ [Emphasis added]

The District of Columbia law concerning ranked-choice voting² is similar, and the Alaska Supreme Court unanimously stated in 2022:

¹ Chapter 628 Public Law. <https://legislature.maine.gov/bills/getPDF.asp?paper=HP1023&item=4&snum=131>
The Maine law is discussed on page 919 of our book [Every Vote Equal](#).

² The District of Columbia law may be found at <https://makeallvotescountdc.org/ballot-initiative/> The D.C. law is discussed on pages 920–921 of our book [Every Vote Equal](#).

“According to both [Alaska and Maine’s] ranked choice voting laws, the vote count is not complete until **the final round** of tabulation.”³ [Emphasis added]

After Parnell told the Minnesota Senate Elections Committee on January 31, 2023, that national popular vote and ranked-choice voting were incompatible,⁴ the Executive Director of FairVote Minnesota (Jeanne Massey) told a House Committee:

“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 [that is, Save Our States] 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.”⁵ [Emphasis added]

See page 911 and pages 951-954 of our book [Every Vote Equal](#) for more details.

Federal and state laws guarantee timely vote counts.

Parnell has criticized the Compact based on various hypothetical scenarios in which a rogue state official refuses or fails to issue their state’s Certificate of Ascertainment, attempts to slow-walk the Certificate’s issuance, issues an incorrect Certificate, or keeps the presidential vote count secret until after the Electoral College meets in mid-December.

None of these scenarios are legally possible under either the Compact or the current system, because federal law guarantees the timely issuance of every state’s vote count.

If there is any dispute about the vote count under the Compact, it will be decided the same way as it is today under the current system, namely by administrative proceedings or litigation originating in a state court *in the state of origin* or a federal court *in the state of origin*.

Moreover, under our federal system, once a dispute has been litigated in the state-of-origin, the Full Faith and Credit Clause of the U.S. Constitution prevents another state’s officials (both administrative and judicial) from second-guessing that decision. The Constitution states:

“Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State.”⁶

Finally, in response to the events of January 6, 2021, Congress enacted bipartisan legislation in 2022 that streamlined enforcement. Notably, the Electoral Count Reform Act of 2022 created a special three-judge federal court whose sole function is to enforce the requirement for the timely “issuance” and prompt “transmission” of each state’s Certificate of Ascertainment. This new court is open *only* to presidential candidates. This court operates on a highly expedited schedule, including expedited appeal to the U.S. Supreme Court. The actions of both lower federal courts and the Supreme Court must be scheduled so that finality is reached prior to the Electoral College meeting.

In any event, no individual state belonging to the Compact will be called upon to judge another state’s vote count, because the presidential candidates will already have litigated the matter.

A more detailed discussion appears on pages 946-949 of our book [Every Vote Equal](#).

³ *Kohlhaas v. State*. 518 P.3d 1095 at 1121. (2022).

⁴ 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

⁵ Massey, Jeanne. 2023. Testimony before Minnesota House Elections Finance and Policy Committee. February 1, 2023. <https://www.house.mn.gov/comm/docs/TYRWZhXR-kCyJCxmXC5ZlQ.pdf>

⁶ U.S. Constitution. Article IV. Section 1. <https://constitution.congress.gov/constitution/article-4/>

Recounts are a recurring problem under the current system, but would all but vanish under the Compact.

Parnell criticizes the National Popular Vote Compact claiming:

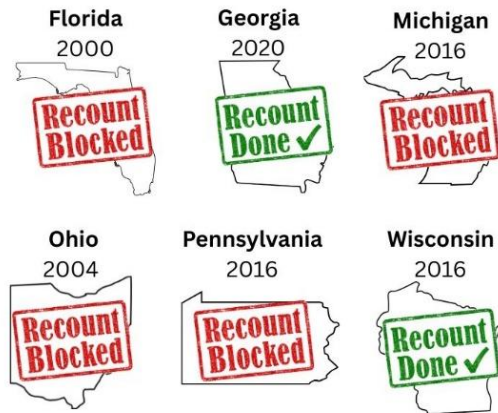
“A national recount would be impossible **if it were needed** because every state has different recount laws, none of which were written with the national popular vote in mind. An analysis I did last year (attached) found that, depending on how state officials and courts interpreted and applied their recount laws, between 25 and 61 percent of all ballots would not be included even if the national margin was **razor-thin.**” [Emphasis added]

There are two fallacies in this statement.

Legal maneuvering blocks most requested recounts under the current system.

Parnell’s complaint that existing restrictive state recount laws could prevent recounts in some states in a nationwide presidential election neglects to mention that the very same restrictive laws actually block a *majority* of the requested recounts *under the current system*.

Let’s look at what actually happens when an apparent loser requests a recount under the current system.



In 2000, George W. Bush had a lead of 537 popular votes out of almost six million votes cast in Florida. Despite the fact that Bush’s 537-vote margin was smaller than the average number of votes that change in a statewide recount (551), Bush’s lawyers were able to use Florida’s poorly written recount laws to prevent a hand recount of the microscopic statewide margin that decided the presidency. If there ever was an election that warranted a full hand recount, this was it.

In 2016, recounts were requested in the three decisive states that gave Trump his majority in the Electoral College (Pennsylvania, Michigan, and Wisconsin). However, Trump’s lawyers were able to use restrictive state recount laws to prevent recounts in the largest two of these three states. As a result, **79% of the ballots in the three decisive states were never recounted.** Note that 79% is an even bigger percentage than the percentage of ballots (“between 25 and 61 percent”) that Parnell says might not get recounted under the Compact.

In 2020, the results of six closely divided battleground states were vigorously disputed by the Trump campaign, but a statewide recount materialized in only one state—Georgia.

In 2004, a recount was deemed impossible in the decisive state of Ohio because of timing obstacles in the state’s laws.

Of course, existing state recount laws could—and should—be improved. The candidate who is initially ahead should not be able to prevent a recount using hair-splitting legal maneuvering or running the clock out. The situation could be improved either by

- Congress passing a federal recount law giving presidential candidates the right to a timely recount that cannot be obstructed by the candidate who is initially ahead, or
- all 50 states similarly changing their recount laws.

In fact, guaranteeing a presidential candidate's right to a recount is far more important under the current state-by-state winner-take-all system than it would ever be in a nationwide election—as discussed below.

It would be very unlikely that a nationwide recount would ever change the outcome.

The second major fallacy in Parnell's argument is that there is no likelihood that a nationwide recount would ever change the outcome.

The candidate winning the national popular vote has had [an average lead of 4,325,498 votes](#) in the seven presidential elections of the 2000s.

Parnell says that a nationwide recount would be “needed” if there were a “razor-thin” result. However, he is silent about what razor-thin means in the context of a nationwide election in which over 150 million votes are cast, and in which the average nationwide margin is 4.3 million.

This is a case where facts from the real-world matter.

An average of only 551 votes change in a statewide recount.

This number is the result of examining *all* the recounts (36) that occurred in *all* 6,929 statewide general elections conducted in the United States in the 24-year period between 2000 and 2023. The facts about these actual recounts (originally compiled by FairVote) are listed in detail on page 1039 of our book [Every Vote Equal](#).

Suppose a recount were conducted in all 50 states and DC after a nationwide presidential election. Suppose the initial loser was lucky enough to pick up 551 votes from *every one* of these 51 state-level recounts. In that case, the initial loser would gain only 28,101 votes (51 times 551) from a nationwide recount. Thus, unless the presidential race was within about 28 thousand votes (out of over 150 million votes), a nationwide recount would *not change the outcome*.

Of course, the initial loser is not going to pick up 551 from all 51 state-level recounts. Data on actual recounts show that the initial loser loses votes in almost exactly half of all recounts (and gains votes in half). Picking up votes in all 51 state-level recounts would be as unlikely as getting heads on 51 consecutive coin tosses.

The science of statistics provides an even more precise way of quantifying what would happen in a nationwide recount.

Standard statistical methods tell us that the probability is very low (about once in 384 presidential elections) that a full nationwide recount would change the initial winner's lead by more than 24,294 votes. See pages 1041–1044 of our book [Every Vote Equal](#).

More importantly, statistics also tells us the probability that the initial winner's lead would ever be as close as 24,294 votes. The probability is very high (99.74%) that only one nationwide presidential election in 324 would be as close as 24,294 votes. Given that presidential elections occur only once every four years, a full nationwide recount would change enough votes to change the election's outcome once in about 1,296 years. See pages 1044–1044 of our book [Every Vote Equal](#).

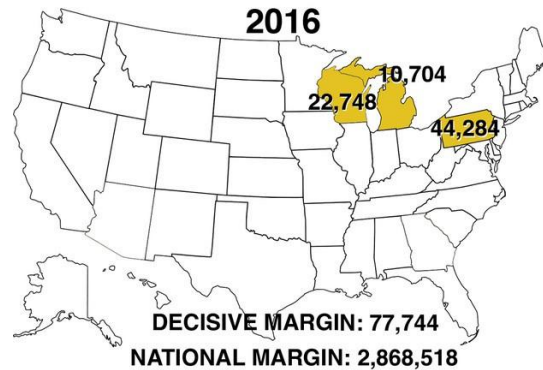
In short, there is no significant chance that a full nationwide recount of all 50 states and DC would overturn the outcome of a nationwide election.

Recounts do not come to mind in elections for governor or U.S. Senator. They come to mind in connection with presidential elections only because the current state-by-state winner-take-all system

compartmentalizes the nation's 150 million voters into 51 separate state-level elections. A certain number of these 51 state-level elections are, inevitably, going to end up very close (even while the national popular vote margin for president averages 4.3 million votes).

In the seven presidential elections between 2000 and 2024, the presidency was decided by an average of 279,628 popular votes spread over an average of three states.

In 2016, for example, Donald Trump carried three states by a total of 78,000 popular votes—while losing nationally by nearly three million votes.



In 2020, the presidency was decided by 42,918 popular votes—even though Biden was ahead nationally by over seven million votes.



It is also worth noting that a related document by Parnell⁷ uses unrealistic numbers to create the impression that a nationwide recount would ever be needed. Parnell mentions the narrowest national margin in the 20th and 21st centuries (namely Kennedy's 112,000-vote lead in 1960) without acknowledging that the margin in that especially close election was many times larger than the number of votes that would be changed by a nationwide recount (or that fewer than half as many votes were cast in 1960 than today).

The Compact counts votes from every state and treats them equally.

Parnell says:

“Contrary to the claims of NPV's lobbyists, **the compact will not count every popular vote from every state**, only from states that run their elections according to its definition of a ‘statewide popular vote. Recently proposed legislation and current law in several states would, if on the books when NPV is active, cause **millions of popular**

⁷ Parnell, Sean. 2025. Count on Chaos—NPV's Recount Problems. Save Our States Policy Memorandum. April 10, 2025.

votes to be discarded for not complying with the compact's dictates.” [Emphasis added]

The Compact includes the vote counts from every state.

The National Popular Vote Compact (clause 1, article III) says:

“The 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]

Every state today, including Arizona, has laws saying that all of a state’s presidential electors are to be chosen by voters—not the state legislature. That is, every state conducts a “statewide popular election” as that term is used in the Compact. This has been the case since the mid-20th Century.

However, the U.S. Constitution does not require that states conduct a “statewide popular election” for presidential electors. For example, in the first election in 1789, presidential electors were appointed by the state legislatures in three states and by the governor and his cabinet in another state. In any case, the voters have chosen *all* the presidential electors in *every* state since 1876.

After Joe Biden carried Arizona in 2020, three Arizona Republican State Representatives (Frank Carroll, Becky Nutt, and Justin Wilmeth) introduced a bill ([HB2426 of 2021](#)) providing that the legislature appoint two of Arizona’s presidential electors and that the remainder be selected by congressional district.

Citing the 2021 Carroll-Nutt-Wilmeth bill, Parnell told the Michigan House Elections Committee on March 7, 2023,⁸ that the Compact would not include Arizona if that proposed bill was in effect while the Compact was operative. Of course, if a state were to pass such a bill, it would be disenfranchising its own voters.

By the way, the Carroll-Nutt-Wilmeth bill did not receive a committee hearing in 2021.

A more detailed discussion appears on pages 1018–1023 of our book [Every Vote Equal](#).

Millions of votes will not be discarded just because one voter casts a write-in vote.

Parnell first raised his scenario about “millions of votes” being discarded in testimony to the Virginia House Subcommittee on Voting Rights of the House Privileges and Elections Committee on February 6, 2026:

“Both Minnesota and Mississippi currently have laws on their books that allow voters to cast votes for individual [presidential] electors. It’s something that they allow. If that were to happen. **If a single voter in Minnesota and a single voter in Mississippi were to do this**, then when the time came for Virginia and every other state that is in this compact to tabulate the national vote, then we would be required to look at those Minnesota and Mississippi vote totals and say, ‘Gosh. They didn’t run a statewide popular election the way the compact defines this term. We can’t include those.’ I think it’s about 4 million votes from those 2 states.”⁹ [Emphasis added]

⁸ Hearing of Michigan House Election Committee on HB4156. March 7, 2023. Timestamp 1:08:28. <https://house.mi.gov/VideoArchivePlayer?video=HELEC-030723.mp4>

⁹ Testimony of Sean Parnell at the Virginia House Subcommittee on Voting Rights of the House Privileges and Elections Committee on February 6, 2026. : <https://sg001-harmony.sliq.net/00304/harmony/en/PowerBrowser/PowerBrowserV2/20260206/-1/21334?startposition=20260206084826&mediaEndTime=20260206085228&viewMode=2&globalStreamId=4>

All 50 states, including Mississippi and Minnesota, currently conduct a “statewide popular election” (in which votes are cast for presidential-vice-presidential slates by “individual voters” as opposed to state legislatures or governors), and they have all done so for many decades.

In the mid-20th Century, every state adopted the “short presidential ballot” that provides voters with the convenience of voting for their preferred presidential-vice-presidential slate—as opposed to voting separately for each individual candidate for the position of presidential elector.

However, in earlier years, voters did cast votes for individual presidential electors. Moreover, in some states, they had the ability to cast a write-in vote for an individual candidate for presidential elector (including even voting for individual presidential electors pledged to different candidates).

When Mississippi and Minnesota adopted the “short presidential ballot,” they failed to repeal their laws allowing writing-in the names of individual candidates for presidential elector. However, this oversight does not change the fact that these states today conduct a “statewide popular election.”

No single voter in Mississippi or Minnesota has the power to cancel the votes of all the other voters in their state merely by exercising a long-forgotten write-in option.

By the way, it appears that no voter in either state has exercised this option in recent years.