



Answering 4 False Claims by Save Our States about the National Popular Vote Bill in Michigan (HB6213, HB6214)

October 12, 2026

Sean Parnell (the senior legislative director of Save Our States) recently emailed Michigan legislators making four false statements about what is actually in the National Popular Vote Compact ([HB6213](#), [HB6214](#)) and existing state and federal law.

Clickable Table of Contents:

Despite what Parnell says, there is an official national vote count.	2
The National Popular Vote Compact is based on official certified vote counts.	2
Federal and state laws guarantee timely vote counts.	2
Ranked-choice voting is handled unambiguously under the Compact.	3
The difficulty of getting recounts in presidential elections is a significant problem today when microscopic margins in an average of three states decide the Presidency; however, there is virtually no chance that recounting all 50 states would change the original outcome.	4
Legal maneuvering routinely blocks most recounts under the current system.	4
Standard statistical methods show that a nationwide recount would alter the national outcome only once in 1,296 years.	5
Despite what Parnell says, the National Popular Vote Compact counts every state.	7
Millions of votes will not be discarded just because one voter casts a write-in vote.	7
There is no plausible current proposal to allow a state legislature to appoint presidential electors.	8
Michigan voters did not vote against the National Popular Vote Compact when they passed Proposal 2 in 2022.	9
Conclusion	9

Despite what Parnell says, there is an official national vote count.

Sean Parnell (the senior legislative director of Save Our States and leading lobbyist opposing the National Popular Vote Compact) recently emailed Michigan legislators saying:

“There is no official national vote count that can be used to determine the winner, and differences in how some states conduct elections and report results will make it difficult or even impossible to conclusively determine the outcome.”

Save Our States (Parnell’s employer) also claimed 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.”¹

These false claims ignore what is actually in the Compact and existing federal and state law.

The National Popular Vote Compact is based on official certified vote counts.

The legal definition of the “national popular vote total” is contained in the National Popular Vote Compact. The Compact compute 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 use ordinary arithmetic to add up the results of the certified state canvasses that existing federal law requires every state to provide—and that every state already routinely produces.²

Federal law (going back to 1887) requires each state to issue a Certificate of Ascertainment containing the official canvass of the number of popular votes cast 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 candidate for each office on the ballot (including President) shortly after Election Day. The official canvass of vote counts for President are the numbers that are inserted into the Certificate of Ascertainment required by federal law.

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

A more detailed discussion about Parnell’s false claims about official vote counts appears starting on page 943 of our book [*Every Vote Equal*](#).

Federal and state laws guarantee timely vote counts.

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

None of Parnell’s scenarios are legally possible under *either* the current system or the Compact, because existing federal and state laws require the timely issuance of every state’s vote count.

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

After the events of January 6, 2021, Congress enacted bipartisan legislation that created a special three-judge federal court whose sole function is to enforce the federal law requiring the timely issuance and prompt transmission of each state’s Certificate of Ascertainment. This new court created by the Electoral Count Reform Act of 2022 is open only to presidential candidates. It operates on a highly expedited schedule, including expedited appeal to the U.S. Supreme Court. The 2022 law

¹ <https://x.com/SaveOurStates/status/2070541305604661670>

² House Joint Resolution 681. 91st Congress. 1969.
<https://fedora.dlib.indiana.edu/fedora/get/iudl:2402061/OVERVIEW>

requires that both lower federal courts and the Supreme Court schedule their actions so that finality is reached prior to the Electoral College meeting.

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

Ranked-choice voting is handled unambiguously under the Compact.

In emails to Arizona legislators in August 2026, Parnell was more specific about what he means by “differences in how some states conduct elections and report results.” He wrote:

“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]

Despite what Parnell says, 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, despite what Parnell says, there is nothing to “interpret” concerning how to count votes from the three jurisdictions that currently have ranked-choice voting for presidential elections (Maine, Alaska, and the District of Columbia). All three jurisdictions are unambiguous as to how their votes are to be counted in connection with the National Popular Vote Compact. All three agree that 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]**.”³ [Emphasis added]

The District of Columbia law is similar.⁴

The Alaska Supreme Court unanimously stated in 2022:

“According to both [Alaska and Maine’s] ranked choice voting laws, the vote count is not complete until **the final round** of tabulation.”⁵ [Emphasis added]

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 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

³ 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*](#).

⁴ 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*](#).

⁵ *Kohlhaas v. State*. 518 P.3d 1095 at 1121. (2022).

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

That is, both the Compact and the U.S. Constitution are clear that no state belonging to the Compact has the power to make separate decisions about the vote counts of other states.

After Parnell told the Minnesota Senate Elections Committee on January 31, 2023, that National Popular Vote and ranked-choice voting were incompatible,⁷ 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.”⁸ [Emphasis added]

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

The difficulty of getting recounts in presidential elections is a significant problem today when small margins in an average of three states decide the Presidency; however, there is virtually no chance that recounting every state would change the national outcome.

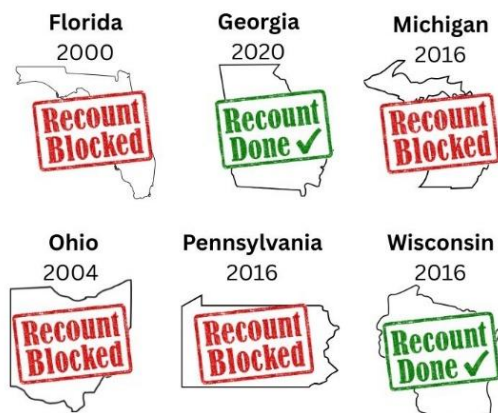
Parnell criticizes the National Popular Vote Compact in recent emails to Michigan legislators:

“A national recount would be impossible even **if it was needed** because each state has different laws on what triggers and who can request recounts, and a close national election would not require recounts in states where the margin was not close.” [Emphasis added]

There are two major fallacies in Parnell’s statement.

Legal maneuvering routinely blocks most recounts under the current system.

Parnell complains that existing state recount laws might prevent recounts in some states in a nationwide presidential election. However, he neglects to acknowledge the fact that these very same restrictive state laws today block a *majority* of the requested recounts *under the current system*.



⁷ 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

⁸ 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>

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 changed by 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 537-vote 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 outcome-determinative 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 these outcome-determinative states were never recounted**. Note that 79% is a considerably bigger percentage of the ballots than Parnell himself estimates might not get recounted under the Compact if current restrictive state recount laws remain unchanged.⁹

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.

Obtaining a recount in a presidential race has proven to be difficult because the U.S. Constitution requires every state to cast its Electoral College votes **on the same day** (which has been in mid-December ever since ratification of the 20th Amendment in 1933). Most existing state recount laws contain procedures and schedules appropriate for state and local races where there is no such pressing deadline. Because the presidential candidate who is initially behind cannot request a recount until the initial count is certified (which typically occurs about halfway between Election Day and the Electoral College meeting), the candidate who is in the lead can often block a recount by simply raising hair-splitting legal technicalities and running out the clock.

Of course, existing state recount laws can—and should—be improved. The situation could be remedied by

- Congress passing a federal recount law guaranteeing presidential candidates the right to a timely recount, or
- all 50 states streamlining their recount laws as they apply to presidential elections.

If existing restrictive recount laws are not revised, then **both** the current system and the Compact will continue to face the reality that the initial certified count (as opposed to a recount) may be all that is available from a particular state in a particular election.

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

Standard statistical methods show that a nationwide recount would alter the national outcome only once in 1,296 years.

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

About 150 million votes have been cast in recent presidential elections.

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.

⁹ In emails to Arizona legislators in August 2026, Parnell stated: "An analysis I did last year ... 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."

Parnell says that a nationwide recount would be needed if there were a “razor-thin” result. However, he avoids saying what “razor-thin” actually means in the context of a nationwide election in which the winner’s average lead is 4.3 million votes.

Actual data from real-world elections—not vague phrases such as “razor-thin”—are needed to understand the situation.

A statewide recount changes an average of only 551 votes.

This number is the result of compiling the results of *all* the recounts (36) that were conducted in connection with *all* 6,929 statewide general elections in the 24-year period between 2000 and 2023 in the United States. This data about real-world recounts was compiled by FairVote and is shown on page 1039 of our book [Every Vote Equal](#).

Suppose that recounts were conducted in all 50 states and DC after a nationwide presidential election. Suppose also that the initial loser was extraordinarily lucky and gained 551 votes from *every one* of these 51 recounts. Even in this improbable situation, the initial loser would gain only 28,101 votes (51 times 551) from 51 state-level recounts.¹⁰

Standard statistical methods provide a way of calculating the probability that the initial winner’s lead would ever be in the neighborhood of twenty-some-thousand votes in the context of presidential elections in which the average lead is a whopping 4.3 million votes.

Specifically, the science of statistics tells us that 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 consisting of 51 state-level recounts would change enough votes to overturn the election’s outcome *once in about 1,296 years*. See page 1044 of our book [Every Vote Equal](#).

In short, even in an ideal world in which Congress or all 50 states adopted workable recount laws, there will be virtually no chance that these improved recount laws would get used.

Recounts come to mind because present-day presidential elections are unlike any other election in the United States in that the voters are compartmentalized into 51 smaller pools of votes and the winner-take-all rule is applied to each of these 51 separate pools.

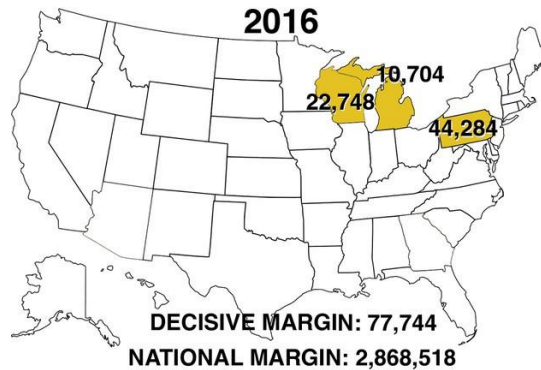
As a result, the presidency was decided by an average of 279,628 popular votes spread over an average of three states in the seven presidential elections between 2000 and 2024.

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



¹⁰ The science of statistics provides a more precise way of quantifying what would happen in 51 state-level recounts. Standard statistical methods tell us that the probability is very low (about once in 384 presidential elections) that 51 state-level recounts would change the initial winner’s lead by more than 24,294 votes. See pages 1041-1044 of our book [Every Vote Equal](#).

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



[Click here](#) for similar maps of other recent elections.

It is also worth noting that, in a related document, Parnell uses unrealistic numbers to create the impression that a nationwide recount would ever be needed.¹¹ In that document, Parnell dwells on the narrowest national margin of the 20th and 21st centuries (Kennedy’s 118,574-vote lead in 1960). However, even the winning margin in that unusually close election was over four times larger than the number of votes that would ever be likely to be changed by a nationwide recount. Moreover, he fails to mention that fewer than half as many votes were cast in 1960 than today.

Despite what Parnell says, the National Popular Vote Compact counts every state.

Parnell recently wrote to Michigan legislators saying:

“The compact will only count popular votes from states that run their elections according to the compact's requirements, and **recently proposed legislation** as well as **current law in several states would cause millions of votes to be excluded** if any of them are on the books when the compact goes into effect.” [Emphasis added]

Parnell is incorrect in saying that any state would be excluded from the national vote count because of any “current law” or any plausible “recently proposed legislation.”

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

Parnell first raised this scenario about the disappearance of “millions of votes” 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.”¹² [Emphasis added]

¹¹ Parnell, Sean. 2025. Count on Chaos—NPV’s Recount Problems. Save Our States Policy Memorandum. April 10, 2025.

¹² 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->

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.

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).

Every state has done so since the mid-20th-Century.

In the mid-20th Century, every state adopted the “short presidential ballot” that gave voters the convenience of simply voting for a presidential-vice-presidential slate—as opposed to separately voting for numerous individual candidates for presidential elector.

However, in earlier years, voters did cast votes for individual presidential electors. And, laws in some states allowed a voter to cast a write-in vote for an individual presidential elector candidate.

When Mississippi and Minnesota adopted the short presidential ballot decades ago, they failed to repeal their laws allowing such write-in votes.¹³ However, this oversight does not change the fact that these states today conduct a “statewide popular election” as that term is defined in the National Popular Vote Compact.

There is no plausible current proposal to allow a state legislature to appoint presidential electors.

Every state today has a law saying that the state’s presidential electors are to be chosen by voters—not the state legislature.

Thus, every state today conducts a “statewide popular election” as that term is defined in the Compact. This has been the case since the mid-20th Century.

The National Popular Vote Compact counts the popular votes for President from all 50 states and the District of Columbia. The 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]

However, the U.S. Constitution does not require states to 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. The last time a state legislature appointed presidential electors was in 1876 in Colorado.

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 Arizona legislature would appoint two of the state’s presidential electors and that the remainder would be selected by congressional district.

Citing this 2021 Arizona bill, Parnell told the Michigan House Elections Committee on March 7, 2023,¹⁴ that the National Popular Vote Compact would not include Arizona if the proposed 2021 bill was in effect while the Compact was operative. Of course, if a state legislature were to pass a bill

harmony.sliq.net/00304/harmony/en/PowerBrowser/PowerBrowserV2/20260206/-1/21334?startposition=20260206084826&mediaEndTime=20260206085228&viewMode=2&globalStreamId=4

¹³ By the way, the record shows that no voter in Mississippi or Minnesota has exercised this option in recent years.

¹⁴ Hearing of Michigan House Election Committee on HB4156. March 7, 2023. Timestamp 1:08:28. <https://house.mi.gov/VideoArchivePlayer?video=HELEC-030723.mp4>

giving itself the power to appoint presidential electors, it would be disenfranchising its own voters. This 2021 Arizona bill died a richly deserved death in committee, without ever receiving a hearing.

A more detailed discussion of the 2021 Arizona bill appears on pages 1018–1023 of our book [*Every Vote Equal*](#).

Michigan voters did not vote against the National Popular Vote Compact when they passed Proposal 2 in 2022.

Parnell says:

“There is also another matter unique to Michigan, which is that Article II, Sec. 7(1) of your state constitution requires that ‘The outcome of every election in this state shall be determined solely by the vote of electors casting ballots in the election.’ (‘Electors’ here means residents of the state eligible to vote). Because NPV would determine the outcome based on votes cast by non-residents, joining it would violate the Michigan Constitution.”

We filed a detailed legal memo with the House Elections Committee in 2023 answering Parnell’s claim that Michigan voters precluded a national popular vote for President when they passed Proposal 2 in 2022.

The Michigan Constitution’s advisory opinion procedure provides an expeditious way of settling such hypothetical claims after the bill passes the legislature, but before it takes effect. Article III, section 8 provides:

“Either house of the legislature or the governor may request the opinion of the supreme court on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date.”

Conclusion

The above claims by opponents of the National Popular Vote Compact are invalid.

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.