



Maryland Senate Bill SB582 Should Not Be Passed

February 25, 2019

In 2007, Maryland became the first state to enact the National Popular Vote interstate compact. The compact has been enacted into law by DC and 11 states possessing a total of 172 electoral votes. In Colorado (9 electoral votes), the compact is on the desk of Governor Polis, who said he would sign it. The compact will take effect when enacted by states possessing a majority of the electoral votes (270 of 538). When the compact takes effect, it would award all the electoral votes belonging to all the participating states to the presidential candidate receiving the most popular votes in all 50 states and DC.

The National Popular Vote interstate compact would

- guarantee 270 electoral votes (and hence the Presidency) to the candidate receiving the most popular votes in all 50 states and DC;
- compel presidential candidates to campaign in all 50 states and DC — instead of just 95,000,000 people in 12 closely divided battleground states; and
- make every vote for President equal throughout the United States.

Under [SB582](#), the national popular vote winner in 2020 would receive Maryland's 10 electoral votes and 10 electoral votes from an unidentified state whose electoral votes did not go to the Democratic Party in 2016. SB582 would take effect when enacted by Maryland and the second state — that is, when enacted by states possessing only 20 of the country's 538 electoral votes.

SB582 has six critical flaws (discussed in detail on subsequent pages):

- (1) SB582 could inadvertently create a partisan advantage for the 2020 Republican presidential candidate.
- (2) SB582 would not guarantee the Presidency to the national popular vote winner — and, in fact, wouldn't even come close to accomplishing that goal.
- (3) SB582 does not create any reason for presidential candidates to be bothered campaigning beyond the dozen or so closely divided battleground states — and, in fact, increases their already-excessive importance.
- (4) SB582 would not make every vote equal throughout the United States, but would, under even the most optimistic assumptions, make a voter in Maryland worth only a small fraction (about 1/24) of a voter in a battleground state.
- (5) SB582 is based on an assumption that an unidentified Republican state with 10 electoral votes stands is ready and willing to join Maryland in this deal.
- (6) SB582 would, because it is confusing similar to the National Popular Vote interstate compact, hinder adoption of the compact in other states.
- (7) SB582 has a dozen egregious technical mistakes.

1. SB582 could inadvertently create a politically one-sided situation and Republican partisan advantage

Electoral College reform should not favor one political party over another. However, this bill could unintentionally favor President Donald Trump's reelection and substantially disadvantage the 2020 Democratic nominee.

Minnesota, Wisconsin, and Missouri are the only states with 10 electoral votes that satisfy SB582's requirement that their electoral votes did not go to the Democratic Party in 2016.^{1,2}

The political effect would be very different depending on whether Minnesota, Wisconsin, and Missouri took up the offer made by SB582.

Maryland has voted Democratic in the last seven presidential elections. Clinton received 64% of the state's two-party popular vote in 2016.

Missouri is almost as strongly and reliably Republican as Maryland is Democratic. It voted Republican in the last five presidential elections. Trump received 60% of the two-party vote there in 2016.

Suppose Maryland enacted SB582 and Missouri enacted an identical bill. If President Trump won the national popular vote but was 10 or fewer electoral votes short of winning the Electoral College, Maryland's 10 electoral votes would be the lifeline that would put Trump back into the White House. Similarly, if the 2020 Democratic nominee won the national popular vote, but was 10 or fewer electoral votes short of winning the Electoral College, Missouri's 10 electoral votes would be the lifeline that would put the Democrat in the White House. That is, a Missouri-Maryland pairing under SB582 would equally give both political parties 10 electoral votes worth of protection against being denied the Presidency after winning the national popular vote (a so-called "divergent election").

However, SB582 would create a politically one-sided situation and Republican partisan advantage if a consistently Democratic state such as Minnesota or a usually Democratic state such as Wisconsin paired itself with Maryland.

Minnesota has voted Democratic in the last 11 presidential elections.

The political consequences of a Minnesota-Maryland pairing would be that President Trump would get 20 electoral votes worth of protection against being denied the Presidency after winning the national popular vote, but the Democratic nominee would only get 0 electoral votes worth of protection. The reason for this politically one-sided result is that neither Maryland nor Minnesota can provide the Democratic nominee any protection against a divergent election, because the Democrat is already virtually assured of getting both states' electoral votes. Not only would President Trump get all the

¹ SB582 also allows a combination of smaller states cumulatively possessing 10 electoral votes to qualify. The discussion here applies equally to that situation.

² The wording of SB582 would allow Minnesota to pair itself with Maryland because Minnesota's electoral votes in 2016 went to the Democrat-Farmer-Labor Party. SB582 states, "This Act shall take effect on the date on [state(s)] which in the most recent presidential election before the enactment of this Act allocated their electors to the candidates of **a political party other than the party to which this State allocated its electors.**" [Emphasis added]

protection against a divergent election, but he would get a chance to win all of Maryland's and Minnesota's electoral votes.

The political one-sidedness of a Wisconsin-Maryland pairing would be almost (but not quite) identical to a Minnesota-Maryland pairing.

Wisconsin has voted Democratic by comfortable (but not massive) margins in six of the last seven presidential elections. The Democratic nominee will reasonably expect to win this usually Democratic state in 2020, because Wisconsin went Republican by only a slender margin of 22,748 votes in 2016.

If Trump wins the nationwide vote and loses Wisconsin and Maryland, SB582 would give Trump 20 extra electoral votes as protection against losing the Electoral College. However, SB582 would not give the Democratic nominee equal protection. If the Democrat wins Wisconsin, the nationwide vote, and Maryland, he or she would get zero extra votes worth of protection against losing the Electoral College while winning the nationwide popular vote, because he or she was going to win solidly Democratic Maryland anyways, and was very probably going to win usually Democratic Wisconsin.

This one-sided Republican partisan advantage arises because the indiscriminate wording of SB582 does not distinguish between the distinctly different political complexions of Minnesota, Wisconsin, and Missouri.

This result could be avoided if SB582 only permitted Maryland to be paired with a state that is as strongly Republican (say, 60%) and as reliably Republican (say, the last five presidential elections) as Maryland is Democratic.³

Of course, avoiding this deficiency would not fix the numerous other deficiencies of SB582 discussed below, but it would at least make SB582 more politically even-handed.

In contrast, the National Popular Vote interstate compact contains the vital condition that it does not take effect until it is enacted by states possessing a critical mass of 270 electoral votes. When the compact comes into effect, the compact appoints at least 270 presidential electors nominated in association with the presidential candidate that won the most popular votes in all 50 states and DC combined. Thus, the compact guarantees the national popular vote winner enough votes in the Electoral College to become President. Because the compact only goes into effect when the critical mass has been achieved, the political complexion of the states enacting the compact would be irrelevant to the operation of the compact. Under the compact, both parties would always receive **equal and full** protection against the possibility of losing the Presidency after winning the national popular vote.

³ SB582 allows a combination of Republican-voting states cumulatively possessing 10 electoral votes to become paired with Maryland. However, problem identical to the one described above for Wisconsin would arise with any smaller, usually Democratic state (such as Iowa) that voted Republican in 2016 after previously voting Democratic in the seven previous elections. Although SB582 theoretically allows pairing Maryland's 10 electoral votes with Republican-voting state(s) with more than 10 electoral votes, this possibility is unlikely because no political party would (or should be) willing to enter into an arrangement that gives the opposing party an advantage of even one electoral vote. Indeed, SB582 acknowledges the implausibility of one party offering more electoral votes than the other. While it could have accepted a second state with at least eight or nine electoral votes, it insists 10 or more electoral votes.

2. SB582 would not guarantee the Presidency to the national popular vote winner — and, in fact, wouldn't even come close to accomplishing that goal.

SB582 would take effect after an unidentified equal-sized state enacts a law identical to Maryland's SB582.

As explained in the previous section, if Maryland were paired in an even-handed and non-partisan way with a state such as Missouri (which is as strongly and reliably Republican as Maryland is Democratic), both the Democratic and Republican presidential nominee would each receive **10 electoral votes** worth of protection against being denied the Presidency after winning the national popular vote.

However, Trump's margin of victory in 2016 was **74 electoral votes**.

Obama's margin of victory in 2012 was **126 electoral votes**.

The average margin of victory in the Electoral College in the eight elections between 1988 and 2016 was **146 electoral votes**.

Manifestly, 10 electoral votes wouldn't even come close to accomplishing the goal of protecting against the possibility of electing a President who did not win the national popular vote.

In contrast, the National Popular Vote interstate compact contains the vital condition that it only goes into effect when enacted by states with a majority of the electoral votes (270 of 538). When the compact takes effect, the presidential electors from all of the compacting states will be those nominated by the political party whose candidate received the most popular votes in all 50 states and DC. Thus, the compact would guarantee the Presidency to the candidate winning the most popular votes in all 50 states and DC.

3. SB582 does not create any reason for presidential candidates to be bothered campaigning beyond the dozen or so closely divided battleground states — and, in fact, increases the already-excessive importance of the battleground states.

The 12 closely divided battleground states (with 95,000,000 people) received virtually all (94%) of the nation's 399 general-election campaign events in 2016. Similarly, the 12 battleground states in 2012 received 100% of the events.

SB582 would not give candidates any advantage or need to start soliciting votes amongst the 215,000,000 people in the 39 "spectator" states (including Maryland) that are currently ignored by presidential candidates.

If Maryland enacts SB582, presidential candidates would simply redouble their efforts to win the existing 12 closely divided battleground states because spending campaign time and money seeking additional popular votes in the existing battleground states would give a presidential candidate **a bite at two apples**. Winning an incremental popular vote in a battleground state would count **both** towards winning the electoral votes of that battleground state **and** count towards winning the 20 electoral votes selflessly donated by SB582 by Maryland and the second donor state.

However, seeking incremental popular votes amongst any of the 215,000,000 people in the 39 spectator states (70% of the nation's population) would give the candidate **a bite of only one apple**, namely the 20 electoral votes made available by SB582.

In fact, the actual effect of SB582 would be to increase the already excessive importance of the existing battleground states. The reason is that voters in each of the existing battleground states would retain their 100% control over their own electoral votes — while **acquiring** partial control over the electoral votes of Maryland and the second donor state. This asymmetric transfer of power is a one-way street, because Maryland and the second donor state would not acquire any compensating influence over the electoral votes of the battleground states.

In contrast, the National Popular Vote interstate compact contains the vital condition that it only goes into effect when enacted by states with a majority of the electoral votes (270 of 538). As a result, the compact does not have this undesirable asymmetric transfer of power in favor of the existing battleground states. Instead, under the compact, voters in every compacting state are compensated by **acquiring** a direct voice in the disposition of the electoral votes of **every other** compacting state. Specifically, voters in every compacting state acquire a direct voice in the disposition of a bloc of 270 or more electoral votes — and hence acquire a direct voice in electing the President. Under the compact, no state is asked to become a selfless donor, while getting nothing in return.

4. SB582 would not make every vote equal throughout the United States, but would, even under the most optimistic assumptions, make a voter in Maryland worth only a small fraction (about 1/24) of a voter in a battleground state.

SB582 does not even come close to achieving one of the important benefits guaranteed by the National Popular Vote interstate compact, namely that every vote throughout the United States would count equally in presidential elections.

The 12 closely divided battleground states (with 95,000,000 people) received virtually all (94%) of the nation's 399 general-election campaign events in 2016.

In particular, the battleground state of Pennsylvania (with 4% of the nation's population and 20 electoral votes) received 54 of these 399 events — an extraordinarily high amount of attention per electoral vote.

In the previous section, we explained why SB582 does not create any reason for presidential candidates to be bothered campaigning beyond the dozen or so closely divided battleground states. However, the organization that initiated SB582 (Making Every Vote Equal) has offered some non-standard and politically unrealistic statistical calculations that suggest that candidates might campaign amongst the 215,000,000 people in the 39 spectator states.

Purely for sake of argument, let's assume that candidates made the illogical decision to campaign amongst the 215,000,000 people in the 39 spectator states (as opposed to doubling-down on the 12 battleground states as discussed in the previous section).

Given this assumption, the obvious question is **how much effort** would presidential candidates devote to winning the 20 electoral votes that SB582 makes available for winning nationwide?

Supporters of SB582 suggest that these 20 electoral votes have the capacity to fundamentally remake the system of electing the President.

However, closer examination indicates that the 20 electoral votes donated by Maryland and the second donor state could not possibly warrant spending any greater effort than is warranted to win the 20 electoral votes possessed by the battleground state of Pennsylvania. That is, 54 campaign events (and all the advertising expenditures and ground game activities associated with campaign events) would be an **upper bound** on the effort that candidates would be willing to expend to win the bloc of 20 electoral votes created by SB582.

Because the 215,000,000 people in the 39 spectator states constitute 70% of the nation's population, those 39 states could reasonably expect to attract 70% of these 54 events — that is, 38 events.

Note that 54 campaign events produces a rip-roaring campaign when concentrated amongst Pennsylvania's audience of 13,000,000 people. However, 38 events dispersed over 215,000,000 people in 39 spectator states would, at best, create a barely noticeable campaign. In fact, 38 events would be an average of less than one campaign event per state.⁴

Maryland and the second donor state would probably together receive only two of these 38 events.

The reason a vote in Maryland and the other 38 spectator states would be worth so little is that only a paltry 20 electoral votes would be at stake as a result of enacting SB582.

The 38 events received by the 215,000,000 people in the 39 spectator states means one event for every 5,657,000 people. Meanwhile, Pennsylvania would get one event for every 241,000 people (its population of 13,000,000 divided by 54). Thus, under SB582, each of the 215,000,000 people in the 39 spectator states (and, in particular, Maryland) would be worth about 1/24 as much as a person in Pennsylvania.

Note that we are not claiming that our estimate above of the value of a Maryland voter is precisely 1/24 of a person or our estimate of the amount of campaign activity per state is mathematically precise. We merely claim that these estimates are a good approximate indicator of the **maximum possible** impact of 20 electoral votes on the candidates' decision-making. Note that our approximate estimates support the same conclusion that common sense suggests, namely that it is simply not possible for a mere 20 electoral votes to instantly convert the current system into a system in which candidates conduct a **meaningful** nationwide campaign in which every vote is equal, and in which the candidate receiving the most popular votes nationwide is guaranteed to win the Presidency.

It is also worth noting that Making Every Vote Equal's claim that 20 electoral votes would generate a nationwide campaign are outlandishly different than by the estimates made by the actual originators of the idea of pairing states.

⁴ To simplify the arithmetic needed to show that the campaign would be a very thin soup in the spectator states under SB582, we treat the 54 campaign events as if they were *in addition to* the actual number (399) of campaign events in 2016. In practice, the total number of campaign events would not increase. Instead, there would be a proportional reallocation of all available events among all the possible places to campaign. After this reallocation, there would be even fewer than 38 events for the 39 spectator states.

Dale Read (the person who originated the idea in a 1971 Duke University paper⁵ and 1976 *Washington Law Review* article⁶) estimated that between 108 to 135 electoral votes would be needed to make his idea work.

Northwestern University Law School Dean Robert Bennett (who independently re-invented Read's proposal in early 2001) wrote in 2006:

“If states with 100 to 125 electoral votes — more or less evenly balanced in partisan terms — were to bind themselves initially, the dynamics of campaigning would shift dramatically toward concern with the nationwide vote.”⁷

There is no way to know if 100, 108, 125, or 135 electoral votes would actually change the behavior of future presidential candidates. However, it is totally implausible to think that 20 electoral votes out of 538 will do so.

Now, compare the conjectural and ultimately unknowable operation of SB582 to the National Popular Vote interstate compact. The compact contains the vital condition that it only goes into effect when enacted by states with a majority of the electoral votes (270 of 538). Once candidates know, with certainty, that the national popular vote is going to determine which candidate is going to receive a bloc of 270 or more electoral votes, then every vote throughout the United States becomes equally valuable. Certainly, no voter would be worth 1/24 of a person. Candidates could no longer ignore the 215,000,000 people in the 39 spectator states — 70% of the nation's population. A current spectator state like Maryland (with about 2% of the nation's population) could reasonably expect to receive 2% of the entire nation's 399 campaign events — that is, about 8 events, which would be one per congressional district.⁸ A current battleground state like Pennsylvania (with about 4% of the nation's population) would receive about 18 events — but not the outlandish 54 events it currently receives. The compact's critical mass of 270 provides the clarity and certainty that has rightly convinced state governments that the compact will deliver its advertised benefits — namely a nationwide campaign in which every vote is equal, and in which the winner is the candidate receiving the most votes nationwide. The compact would make **every** voter in **every** state equally valuable in **every** presidential election.

⁵ Read, Dale Jr. 1971. Electoral College Reform: Direct Popular Vote Without a Constitutional Amendment. Independent Research Paper. Duke Law School. 105 pages.

⁶ Read, Dale Jr. 1976. Direct election of the president without a constitutional amendment: A call for state action. *Washington Law Review*. Volume 51. Pages 321–349.

⁷ Bennett, Robert W. 2006. Electoral College Reform is Heating Up And Posing Some Tough Choices. *Northwestern University School of Law Public Law and Legal Theory Papers*. Paper No. 45. <http://law.bepress.com/nwwps/plltp/art45> Page 15.

⁸ See “How Nationwide Presidential Campaigns Would Be Run” document at www.NationalPopularVote.com

5. SB582 is based on an assumption that an unidentified Republican state with 10 electoral votes is ready and willing to join Maryland in this deal.

Absent a willing Republican partner, SB582 is an exercise in futility, because Maryland will simply be left standing alone at the altar.

The first necessary precondition for any state wanting to join with Maryland in any “pairing” arrangement under SB582 is that the House, Senate, and Governor of that state simultaneously support the underlying goal of a national popular vote for President. However, Jonathan Blake, a prominent Washington DC attorney who is spokesman for the group that initiated SB582 (Making Every Vote Equal), has stated that he was not aware of any Republican-voting state whose House, Senate, and Governor are currently ready to support the goal of a national popular vote for President.

The second necessary precondition is that Maryland must be combined with a Republican state with exactly 10 electoral votes (or a combination of Republican states cumulatively possessing exactly 10 electoral votes), because neither political party is (or should be) willing to give the opposing party an advantage of even one electoral vote. Indeed, SB582 explicitly acknowledges this obvious political reality, because it does not permit Maryland to participate if the Republican-voting state(s) have fewer than 10 electoral votes.

The referral process has been suggested as a way by which a state’s voters could enact an SB582-like bill during their state’s 2020 primary election (and thereby make SB582 effective in time for the November 2020 presidential election). However, a referral requires action by the state legislature. If a legislature of a Republican-voting state favors the concept of a national popular vote for President, it does not need to use the referral process or the pairing mechanism of SB582 — it can simply enact the National Popular Vote interstate compact on its own.

The initiative process has been suggested as a way to get around disinterested legislatures and governors and enact an SB582-like bill in a statewide vote prior to November 2020. However, in almost every initiative state (including Missouri), petitions circulated during 2019–2020 cannot be voted on until the November 2020 general-election. Only five states allow a vote earlier than November 2020, and none of these states are a suitable partner for Maryland under SB582.

- A vote on an initiative petition is possible in November 2019 in Colorado (9 electoral votes), Washington state (11), and Ohio (18).
- A vote on an initiative petition is possible in August 2020 in Alaska (3).
- A vote on an initiative petition is possible before November 2020 in DC (3).

Note that none of these states have 10 electoral votes, and no combination of them adds up to 10. Note also that only Alaska and Ohio voted Republican in 2016 — a requirement of SB582. Thus, **it is simply not true that an SB582-like bill can be enacted using an initiative petition and a statewide vote prior to November 2020.**

It has further been suggested (incorrectly) that an initiative petition could affect the allocation of electoral votes in the 2020 presidential election if it were approved by the voters on Election Day in November 2020. However, existing federal law (wisely)

affords conclusiveness only to electoral votes cast under “**laws enacted prior**” to Election Day. Title 3, chapter 1, section 5 of the United States Code states:

“If any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned.” [Emphasis]

It is simply not true that an SB582-like bill can apply to the November 2020 presidential election if enacted by an initiative petition and a statewide vote on Election Day 2020.

Moreover, as a practical political matter, any attempt to pass a ballot proposition that purported to apply to the presidential election taking place on the very same day as the voting on the ballot proposition would be roundly ridiculed, and would surely succumb to the same attacks that killed Colorado Proposition 36 in 2004.

Ballot propositions on Election Day in November 2020 could, of course, be used to enact the National Popular Vote interstate compact in time for the 2024 presidential election.

It should be noted that an additional political reality, at the present moment, is that Republican legislatures and governors would probably not act in 2019 or early 2020 on SB582 without at least asking President Trump if he wants to fight the 2020 election on a nationwide basis. Although these Republican officials would not necessarily follow Trump’s preferences, no potential pairing would seem likely absent either a clear green light or at least a statement of neutrality from President Trump.

Of course, if President Trump wants a nationwide vote in 2020, there is no need for SB582. Trump could simply call upon his supporters in various Republican states to enact the National Popular Vote interstate compact during the 2019 or early 2020 legislative sessions. This effort could build on the substantial support for the compact among Republican legislators around the country. With such support, the compact could easily become a reality in time for the November 2020 presidential **election**.

6. SB582 would, because it is confusingly similar to the National Popular Vote interstate compact, hinder adoption of the compact in other states.

The practical political effects of SB582 would be to hinder efforts to achieve a national popular vote for President.

SB582 differs from the National Popular Vote interstate compact in that the compact contains the vital condition that it only goes into effect when enacted by states with a

majority of the electoral votes (270 of 538). At first glance, this threshold of 270 may seem like a minor difference between SB582 and the compact. In fact, it is fundamental.

The only effect of actively promoting a proposal that is confusingly similar to the compact will be to create confusion, doubt, and division among supporters of the concept of a national popular vote for President. In the context of real-world lobbying, a confusingly similar competing proposal would inevitably result in delay and division of support for the goal of electing the President by a national popular vote.

After SB582's pairing concept proposal has been rejected, the valid arguments against this highly flawed proposal will be remembered and inappropriately attributed to the National Popular Vote interstate compact.

The National Popular Vote interstate compact is the only viable way to achieve the goal of making every vote equal and guaranteeing a nationwide campaign in which the candidate receiving the most popular votes wins. There is no quick shortcut involving 20 electoral votes.

Conclusion

The Maryland legislature should not enact SB582.

Background Information

12 battleground states in 2016 accounting for 94% of the campaign events (375 of 399)

Trump %	Events	State	Trump	Clinton	R-Margin	D-Margin	R-EV	D-EV	Population
55%	21	Iowa	800,983	653,669	147,314		6		3,053,787
54%	48	Ohio	2,841,006	2,394,169	446,837		18		11,568,495
52%	55	North Carolina	2,362,631	2,189,316	173,315		15		9,565,781
52%	10	Arizona	1,252,401	1,161,167	91,234		11		6,412,700
51%	71	Florida	4,617,886	4,504,975	112,911		29		18,900,773
50%	14	Wisconsin	1,405,284	1,382,536	22,748		10		5,698,230
50%	54	Pennsylvania	2,970,733	2,926,441	44,292		20		12,734,905
50%	22	Michigan	2,279,543	2,268,839	10,704		16		9,911,626
49.8%	21	New Hampshire	345,790	348,526		2,736		4	1,321,445
49%	17	Nevada	512,058	539,260		27,202		6	2,709,432
47%	19	Colorado	1,202,484	1,338,870		136,386		9	5,044,930
47%	23	Virginia	1,769,443	1,981,473		212,030		13	8,037,736
51%	375		22,360,242	21,689,241			125	32	94,959,840

NOTE: Trump percentage is of the two-party vote.

39 spectator states in 2016 accounting for 6% of the campaign events (24 of 399)

Trump %	Events	State	Trump	Clinton	R-Margin	D-Margin	R-EV	D-EV	2010 Population
76%	0	Wyoming	174,419	55,973	118,446		3		568,300
72%	0	West Virginia	489,371	188,794	300,577		5		1,859,815
70%	0	North Dakota	216,794	93,758	123,036		3		675,905
69%	0	Oklahoma	949,136	420,375	528,761		7		3,764,882
68%	0	Idaho	409,055	189,765	219,290		4		1,573,499
66%	0	South Dakota	227,721	117,458	110,263		3		819,761
66%	0	Kentucky	1,202,971	628,854	574,117		8		4,350,606
64%	0	Alabama	1,318,255	729,547	588,708		9		4,802,982
64%	0	Arkansas	684,872	380,494	304,378		6		2,926,229
64%	0	Tennessee	1,522,925	870,695	652,230		11		6,375,431
64%	2	Nebraska	495,961	284,494	211,467		5		1,831,825
62%	1	Utah	515,231	310,676	204,555		6		2,770,765
61%	0	Kansas	671,018	427,005	244,013		6		2,863,813
61%	0	Montana	279,240	177,709	101,531		3		994,416
60%	0	Louisiana	1,178,638	780,154	398,484		8		4,553,962
60%	2	Indiana	1,557,286	1,033,126	524,160		11		6,501,582
60%	2	Missouri	1,594,511	1,071,068	523,443		10		6,011,478
59%	1	Mississippi	700,714	485,131	215,583		6		2,978,240
58%	0	Alaska	163,387	116,454	46,933		3		721,523
57%	0	South Carolina	1,155,389	855,373	300,016		9		4,645,975
55%	1	Texas	4,685,047	3,877,868	807,179		38		25,268,418
53%	3	Georgia	2,089,104	1,877,963	211,141		16		9,727,566
49%	2	Minnesota	1,323,232	1,367,825		44,593		10	5,314,879
48%	3	Maine	335,593	357,735		22,142	1	3	1,333,074
45%	3	New Mexico	319,667	385,234		65,567		5	2,067,273
44%	0	Delaware	185,127	235,603		50,476		3	900,877
44%	0	Oregon	782,403	1,002,106		219,703		7	3,848,606
43%	1	Connecticut	673,215	897,572		224,357		7	3,581,628
43%	0	New Jersey	1,601,933	2,148,278		546,345		14	8,807,501
42%	0	Rhode Island	180,543	252,525		71,982		4	1,055,247
41%	1	Washington	1,221,747	1,742,718		520,971		12	6,753,369
41%	1	Illinois	2,146,015	3,090,729		944,714		20	12,864,380
38%	0	New York	2,819,557	4,556,142		1,736,585		29	19,421,055
36%	0	Maryland	943,169	1,677,928		734,759		10	5,789,929
35%	0	Massachusetts	1,090,893	1,995,196		904,303		11	6,559,644
35%	0	Vermont	95,369	178,573		83,204		3	630,337
34%	1	California	4,483,814	8,753,792		4,269,978		55	37,341,989
33%	0	Hawaii	128,847	266,891		138,044		4	1,366,862
4%	0	D.C.	12,723	282,830		270,107		3	601,723
48%	24		40,624,892	44,164,411			181	200	214,825,346

NOTE: Trump percentage is of the two-party vote.

38 States Voted for Same Party in 5 Presidential Elections 2000–2016

Dem 5 times - - 16 states	Dem 4 times - - 5 states	Dem 3 times - - 4 states	Dem 2 times - -2 states	Dem 1 time - -2 states	Dem 0 times - -22 states
CA (55)	MI (16)	VA (13)	FL (29)	IN (11)	AL (9)
CT (7)	NH (4)	CO (9)	OH (18)	NC (15)	AK (3)
DE (3)	NM (5)	NV (6)			AR (6)
DC (3)	PA (20)	IA (6)			AZ (11)
HI (4)	WI (10)				GA (16)
IL (20)					ID (4)
MA (11)					KS (6)
ME (4)					KY (8)
MD (10)					LA (8)
MN (10)					MO (10)
NJ (14)					MS (6)
NY (29)					MT (3)
OR (7)					NE (5)
RI (4)					ND (3)
VT (3)					OK (7)
WA (12)					SC (9)
					SD (3)
					TN (11)
					TX (38)
					UT (6)
					WY (3)
					WV (5)
196 EV	55 EV	34 EV	47 EV	26 EV	180 EV

NOTE: The number of electoral votes shown are for 2012, 2016, and 2020 elections. DC is counted as a state for purposes of this chart.