



January 7, 2012

### **“Agreement Among the States to Elect the President by National Popular Vote”**

The National Popular Vote bill would guarantee the Presidency to the candidate who receives the most popular votes in the entire United States. The bill ensures that *every* vote, in *every* state, will matter in *every* presidential election.

The bill has been enacted by 9 jurisdictions possessing 132 electoral votes — 49% of the 270 necessary to activate it (VT, MD, WA, IL, NJ, DC, MA, CA, HI).

The bill has passed 31 legislative chambers in 21 jurisdictions (AR, CA, CO, CT, DC, DE, HI, IL, ME, MD, MA, MI, NV, NJ, NM, NY, NC, OR, RI, VT, WA). In the recent 47–13 vote in the Republican-controlled New York Senate, Republicans supported the bill 21–11, and Democrats supported it 26–2. The bill has been endorsed by 2,124 state legislators.

The shortcomings of the current system stem from state winner-take-all statutes (that award all of a state’s electoral votes to the candidate receiving the most popular votes in each state).

The winner-take-all rule has permitted candidates to win the Presidency without winning the most popular votes nationwide in 4 of our 56 elections — 1 in 14 times. A shift of 60,000 votes in Ohio in 2004 would have elected Kerry despite Bush’s nationwide lead of 3,000,000.

Another shortcoming of the winner-take-all rule is that presidential candidates have no reason to pay attention to the concerns of voters in states where they are comfortably ahead or hopelessly behind. In 2004 and 2008, candidates concentrated two-thirds of their visits and ad money in the post-convention campaign in just six closely divided “battleground” states— with 98% going to just 15 states. Two thirds of the states were ignored.

Article II, Section 1 of the U.S. Constitution gives the states exclusive control over the manner of awarding their electoral votes: “Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors....” The winner-take-all rule is not in the Constitution. It was used by only 3 states in our nation’s first election in 1789. Maine and Nebraska’s awarding of electoral votes by district is a reminder that states control the process.

Under the National Popular Vote bill, all the electoral votes from the enacting states would be awarded to the presidential candidate who receives the most popular votes in all 50 states (and DC). The bill would take effect only when enacted by states possessing a majority of the electoral votes — that is, enough electoral votes to elect a President (270 of 538).

The National Popular Vote bill preserves the Electoral College and state control of elections.

The bill has been endorsed by *New York Times*, *Sacramento Bee*, *Minneapolis Star-Tribune*, *Chicago Sun-Times*, *Los Angeles Times*, *Fayetteville Observer*, *Tennessean*, and *Miami Herald*.

The bill has been endorsed by League of Women Voters, Common Cause, and FairVote.

State polls are favorable: AK-70%, AR-80%, AZ-67%, CA-70%, CO-68%, CT-74%, DC-76%, DE-75%, FL-78%, ID-77%, IA-75%, KY-80%, ME-77%, MA-73%, MI-73%, MS-77%, MO-70%, MT-72%, NH-69%, NE-74%, NV-72%, NM-76%, NY-79%, NC-74%, OH-70%, OK-81%, OR-76%, PA-78%, RI-74%, SC-71%, SD-75%, TN-83%, UT-70%, VT-75%, VA-74%, WA-77%, WI-71%, WV-81%, and WY-69%.

Our National Advisory Board includes former Senators Jake Garn (R-UT), Birch Bayh (D-IN), and David Durenberger (R-MN) and former congressmen John Anderson (R-IL, I), John Buchanan (R-AL), Tom Campbell (R-CA), and Tom Downey (D-NY). Former Senator Fred Thompson (R-TN) and Governors Bob Edgar (R-IL) and Chet Culver (D-IA) are champions.

Additional information is available in our book *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote* and at [www.NationalPopularVote.com](http://www.NationalPopularVote.com).