

National Popular Election of the President
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“Agreement Among the States to Elect the President by National Popular Vote”
(SB 92)

The National Popular Vote bill guarantees that the presidential candidate with the most popular votes in all 50 states (and DC) will win the Presidency; every voter in every state will be politically relevant in every presidential election; and every vote will be equal.

The bill has passed 29 legislative chambers in 19 states (Arkansas, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Nevada, New Jersey, New Mexico, North Carolina, Oregon, Rhode Island, Vermont, and Washington).

The National Popular Vote bill has been enacted by states representing 61 electoral votes — 23% of the 270 necessary to activate the law (Hawaii, Illinois, Maryland, New Jersey, and Washington).

The bill has sponsors in all 50 states and has been endorsed by 1,825 state legislators.

A survey of 800 Alaska voters conducted on January 27–28, 2010 showed 70% overall support for the idea that the President of the United States should be the candidate who receives the most popular votes in all 50 states. Voters were asked “How do you think we should elect the President? Should it be the candidate who gets the most votes in all 50 states, or the current electoral college system?” By political affiliation, support for a national popular vote was 66% among Republicans, 78% among Democrats, 70% among Nonpartisan voters, 82% among Alaska Independent Party voters, and 69% among others. By gender, support was 78% among women and 60% among men. By age, support was 68% among 18-29 year olds, 70% among 30-45 year olds, 70% among 46-65 year olds, and 70% for those older than 65. The survey was conducted by Public Policy Polling, and has a margin of error of plus or minus 3 1/2%.

The shortcomings of the current system stem from the winner-take-all rule (i.e., awarding all of a state’s electoral votes to the candidate who receives the most popular votes in each state).

The major shortcoming of the winner-take-all rule is that presidential candidates have no reason to poll, visit, advertise, or organize in states where they are comfortably ahead or hopelessly behind. In 2008, candidates concentrated over two-thirds of their campaign visits and advertising money in just six closely divided “battleground” states. A total of 98% went to just 15 states. Voters in two thirds of the states were essentially spectators to the election.

Alaska is not ignored in presidential elections because it is small. New Hampshire, for example, received 12 of the candidates’ 300 post-convention visits in 2008. Meanwhile, the 6 predictably Republican small states (AK, ID, MT, WY, ND, SD) and the 6 predictably Democratic small states (VT, ME, RI, DE, DC, HI) were ignored.

Alaska (like two-thirds of the states) is ignored because the winner-take-all-rule gives presidential candidates no reason to campaign in Alaska (and, therefore, to pay attention to Alaska issues).

Under a national popular vote, every vote in Alaska would matter. In 2004, George W. Bush concentrated on winning the closely divided battleground state of Ohio (which he did, by 118,000 votes). However, Alaska generated a 79,864-vote margin for Bush — over half of Ohio’s margin. A vote in Alaska would be as important as a vote in Ohio. Republican presidential candidates would have to pay attention to Alaska voters and issues because the 79,864-vote margin produced in Alaska would matter. Democratic presidential candidates would also have a reason to campaign in Alaska. Independent voters in Alaska would matter because both candidates would be trying to win their votes. A vote in Alaska would become as important as a vote in closely divided battleground states such as New Hampshire or Ohio.

Another shortcoming of the winner-take-all rule is that a candidate can win the Presidency without winning the most popular votes nationwide. This has occurred in 4 of the nation’s 56 presidential elections (and 1 in 7 of the non-landslide elections). Moreover, a shift of a handful of votes in one or two states would have elected the second-place candidate in five of the last 12 presidential elections. A shift of fewer than 60,000 votes in Ohio in 2004 would have defeated President Bush despite his nationwide lead of 3,500,000 votes.

The U.S. Constitution gives the states exclusive and plenary control over the manner of awarding their electoral votes. Article II, Section 1, Clause 2 of the U.S. Constitution states:

“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 not the Founder’s choice and was used by only 3 states in the nation’s first presidential election in 1789. Maine and Nebraska currently award electoral votes by congressional district — a reminder that an amendment to the U.S. Constitution is not required to change the way the President is elected.

Under the National Popular Vote bill, all the electoral votes from the enacting states would be awarded, as a bloc, 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, sufficient electoral votes to elect a President (270 of 538).

The National Popular Vote bill would replace the current system based on which candidate happens to get the most popular votes in each separate state with a system that guarantees the Presidency to the candidate gets the most individual votes in all 50 states (and DC).

State polls show strong support for a national popular vote (AK–70%, AR–80%, CA–70%, CO–68%, CT–74%, DC–76%, DE–75%, ID–77%, IA–75%, KY–80%, ME–77%, MA–73%, MI–73%, MS–77%, MO–70%, NH–69%, NE–74%, NV–72%, NM–76%, NY–79%, NC–74%, OH–70%, OK–81%, PA–78%, RI–74%, SD–75%, UT–70%, VT–75%, VA–74%, WA–77%, WI–71%, and WV–81%). Support is strong in every partisan and demographic group.

The National Advisory Board of National Popular Vote includes former congressmen John Anderson (R–Illinois and later independent presidential candidate), John Buchanan (R–Alabama), Tom Campbell (R–California), and Tom Downey (D–New York) and former Senators Birch Bayh (D–Indiana), David Durenberger (R–Minnesota), and Jake Garn (R–Utah).

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.