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REPRESENTATIVE ZACH FANSLER DISTRICT 38

SPONSOR STATEMENT

House Bill 175 version 30-LS0658\D US Presidential Election Compact

The National Popular Vote bill would grant the Presidency to the candidate who receives the most votes in the nation. The bill would ensure every vote, in every state, will matter in every presidential election.

The shortcomings of the current electoral system stem from state winner-take-all statutes—that is, state laws awarding all of a state’s electoral votes to the candidate receiving the most popular votes in each separate state.

In 2016, two-thirds (273 of 399) of the general-election campaign events were in just 6 states (Florida, North Carolina, Pennsylvania, Ohio, Virginia, and Michigan). 94% of the 2016 events (375 of the 399) were in 12 states.

A former presidential candidate and Governor of Wisconsin, Scott Walker, said on September 2, 2015: “The nation as a whole is not going to elect the next president. Twelve states are.”

The most glaring shortcoming of the winner-take-all rule is that 38 of 50 states were totally ignored in the 2012 general-election campaign for President. In 2012, 100% of the 253 general-election campaign events were concentrated in only 12 closely divided “battleground” states. Four states (Ohio, Florida, Virginia, and Iowa) received two-thirds of the 253 events.

This rule has permitted candidates to win the Presidency without gaining the most votes nationwide in five of our 58 presidential elections—about 1 in 12 times. In 2004, shift of 59,393 votes would have elected Senator John Kerry despite President Bush’s nationwide lead of over 3,000,000 votes. In 2012, a shift of 214,390 votes would have elected Governor Romney despite President Obama’s nationwide lead of almost 5,000,000 votes. In 2016, a shift of 38,875 votes would have elected Hilary Clinton—the candidate with a 2,864,974 lead in the national popular vote.

The winner-take-all method of awarding electoral votes was not debated at the Constitutional Convention. It is mentioned in the *Federalist Papers*. It was used by only three states in the nation’s

first presidential election in 1789 (and all three repealed it by 1800). The winner-take-all method of awarding electoral votes was not used by a majority of the states until the 11th presidential election (1828). It did not become predominant until the 1880 election.

This bill is an interstate compact repealing the winner-take-all rule and would take effect only when enacted by states possessing a majority of the electoral votes. Eleven states, with a combined 165 electoral votes, have ratified the National Popular Vote bill: Rhode Island, Vermont, Hawaii, the District of Columbia, Maryland, Massachusetts, Washington, New Jersey, Illinois, New York, and California. 105 more are needed to reach the 270 necessary for the compact to come into effect.

The bill has passed a total of 34 legislative chambers in 23 states—most recently a bipartisan 40-16 vote in the Arizona House, 28-18 in the Oklahoma Senate, 57-4 in the New York Senate, and 37-21 in the Oregon House, and unanimously by legislative committees in Georgia and Missouri. A total of 2,955 state legislators have endorsed it, either by sponsoring it or casting a recorded vote in favor of it.