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Alaska State Legislature

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Senator Bettve Davis@legis.state.ak.us
<http://www.aksenate.org>

Session: (Jan. - May)
State Capitol, Suite 30, Juneau, AK 99801-1182 Phone: (907) 465-3822 • Fax: (907) 465-3756 • Toll free: (800) 770-3822
Interim: (May - Dec.)
716 W. 4th Ave, Suite 400, Anchorage, AK 99501 Phone: (907) 269-0144 • Fax: (907) 269-0148

Dear Senator Menard:

I respectfully request a hearing to be scheduled at your earliest convenience for Senate Bill 92:
An Act ratifying an interstate compact to elect the President and Vice-President of the United States by national popular vote; and making related changes to statutes applicable to the selection by voters of electors for candidates for President and Vice-President of the United States and to the duties of those electors.

If the Committee requires additional information, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Quinn Kendall".

Quinn Kendall
Senator Davis's Intern

Alaska State Legislature

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Senator Bettye Davis@legis.state.ak.us
http://www.akdemocrats.org

Senator Bettye Davis

SB 92 - "An Act ratifying an interstate compact to elect the President and Vice-President of the United States by national popular vote; and making related changes to statutes applicable to the selection by voters of electors for candidates for President and Vice-President of the United States and to the duties of those electors."

SPONSOR STATEMENT

SB 92 ratifies an interstate compact or agreement among the states with similar wording to elect the President of the United States with a direct, nationwide vote of the people. It would effectively replace, although not eliminate, the current Electoral College system where under the "winner-take-all rule," which is in nearly universal use in the United States, all of a state's electoral votes are controlled by a statewide plurality of the popular votes. Under this rule, a person's vote is nearly worthless unless the voter happens to live in a closely divided battleground state. Because only about 18 states are competitive in presidential elections, voters in two-thirds of the states are ignored in presidential elections.

Under the National Popular Vote interstate compact, electoral votes, which are based on the number of U.S. Representatives and U.S. Senators in each state, would be awarded to the national winner, not the state winner. As of January 2010, this interstate compact has been joined by Hawaii, Illinois, Maryland, New Jersey, and Washington. Their 61 electoral votes amount to 23% of the 270 votes needed for the compact to take effect. It has passed in one or both houses in many other states and has either been signed, vetoed or overridden.

The compact would not become effective in any state until it is enacted by states collectively possessing a majority of the electoral votes (that is, 270 of the 538 electoral votes). The proposed compact does not change a state's internal procedures for operating a presidential election. After the 50 states and the District of Columbia certify their popular vote counts for President in the usual way, a grand total of popular votes would be calculated by adding up the popular vote count from all 51 jurisdictions.

The Electoral College would remain intact under the proposed interstate compact which is specifically authorized by the U.S. Constitution as a means by which the states may act in

concert to address a particular problem. The compact would simply change the Electoral College from an institution that reflects the voters' state-by-state choices (or, in the case of Maine and Nebraska, district-wide choices) into a body that reflects the voters' nationwide choice. Specifically, the proposed compact would require that each member state award its electoral votes to the presidential candidate who received the largest number of popular votes in all 50 states and the District of Columbia. Because the compact would become effective only when it encompasses states collectively possessing a majority of the electoral votes, the presidential candidate receiving the most popular votes in all 50 states and the District of Columbia would be guaranteed enough electoral votes in the Electoral College to be elected to the Presidency.

LEGAL SERVICES

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LEGISLATIVE AFFAIRS AGENCY
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MEMORANDUM

February 2, 2009

SUBJECT: Sectional summary of SB 92 (Work Order No. 26-LS0441/A)

TO: Senator Bettye Davis
Attn: Thomas Obermeyer

FROM: Alpheus Bullard
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Ratifies an interstate compact to elect the President and Vice- President of the United States by national popular vote. Under the compact and the bill, the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia will win the presidency. Under the compact, all of the state's electoral votes would be awarded to the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia. This compact would take effect only when enacted by states possessing a majority of the electoral votes, that is, enough electoral votes to elect a President, which is 270 of 538 electoral votes.

Sections 2 -5. Conform statutes to the changes made by section one of the bill.

TLAB:ljw
09-055.ljw

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB92
 () Publish Date: _____

Identifier (file name): SB092-OOG-DOE-1-29-10
 Title: "An Act ratifying an interstate compact to elect the President and Vice-President of the United States...."
 Sponsor: Senator Bettye Davis
 Requester: Senate State Affairs Committee
 Dept. Affected: OOG
 RDU: Elections
 Component: Elections
 Component Number: 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual		0.0						
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF		0.0						
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2010) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

This legislation has no financial impact on the division.

Prepared by: Gail Fenumiai, Director
 Division: Division of Elections
 Approved by: Linda Perez, Director
Division of Administrative Services

Phone 465-4611
 Date/Time 1/29/10, 3:59pm
 Date _____

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Senator Bettye Davis

SB 92 – National Popular Vote Interstate Compact

Description*

The National Popular Vote bill would guarantee the Presidency to the candidate who receives the most popular votes in all 50 states (and the District of Columbia).

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

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 endorsed by 1,777 state legislators.

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).

Because of the winner-take-all rule, 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). 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.

Another 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 ad money in just six closely divided "battleground" states. A total of 98% went to just 15 states. In other words, voters in two thirds of the states were essentially spectators to the election.

The U.S. Constitution gives the states exclusive and plenary control over the manner of awarding their electoral votes. The winner-take-all rule is not in the Constitution. It was not the Founder's choice (having been used by only 3 states in the nation's first presidential election in 1789). The fact that Maine and Nebraska award electoral votes by district is a reminder that a 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, enough electoral votes to elect a President (270 of 538).

The bill has been endorsed by the *New York Times*, *Chicago Sun-Times*, *Minneapolis Star-Tribune*, *Los Angeles Times*, *Boston Globe*, *Sacramento Bee*, *Common Cause*, and *Fair Vote*.

State polls (mostly taken in 2009) show strong support for a national popular vote (AR-80%, CA-70%, CO-68%, CT-73%, 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%, and WI-71%). Support is strong in every partisan and demographic group surveyed.

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).

*Above quoted from: http://www.nationalpopularvote.com/pages/explanation.php#exp_1page
Additional information is available in the book *Every Vote Equal: A State-Based Plan for Electing the President by National Popular*



Alaska Survey Results

Q1 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? If you think it should be the candidate who gets the most votes in all 50 states, press 1. If you think it should be the current electoral college system, press 2.

<i>Candidate who gets the most votes in all 50 states</i>	<i>Current electoral college system</i>	30%
		70%

Q2 If you are a woman, press 1, if a man, press 2.

<i>Women</i>	<i>Men</i>	46%
		54%

Q3 If you are a Democrat, press 1. If a Republican, press 2. If nonpartisan, press 3. If Alaskan Independent Party, press 4. If Republican Moderate Party, press 5. If Green Party, press 6. If other, press 7.

<i>Democrat</i>	18%
<i>Republican</i>	33%
<i>Nonpartisan</i>	44%
<i>Alaskan Independent Party</i>	1%
<i>Other</i>	4%

Q4 If you are white, press 1. If black, press 2. If Alaska native, press 3. If Asian, press 4. If other, press 5.

<i>White</i>	80%	<i>Asian</i>	1%
<i>Black</i>	4%	<i>Other</i>	10%
<i>Alaska Native</i>	5%		

Q5 If you are 18 to 29 years old, press 1 now. If you are 30 to 45, press 2. If you are 46 to 65, press 3. If older than 65, press 4.

<i>18-29</i>	9%	<i>46-65</i>	41%
<i>30-45</i>	34%	<i>Older than 65</i>	15%

Q6 Are you or is someone in your household a member of a labor union? If yes, press 1. If no, press 2.

<i>Yes</i>	28%
<i>No</i>	72%





Crosstabs

	Base	Gender	
		Women	Men
Change System			
Candidate who gets the most votes in all 50 states	70%	78%	60%
Current electoral college system	30%	22%	40%

	Base	Party				
		Democrat	Republican	Nonpartisan	Alaskan Independent Party	Other
Change System						
Candidate who gets the most votes in all 50 states	70%	78%	66%	70%	82%	69%
Current electoral college system	30%	22%	34%	30%	18%	31%

	Base	Race				
		White	Black	Alaska Native	Asian	Other
Change System						
Candidate who gets the most votes in all 50 states	70%	72%	53%	59%	63%	69%
Current electoral college system	30%	28%	47%	41%	38%	31%





Crosstabs

	Base	Age			
		18-29	30-45	46-65	Older than 65
Change System					
Candidate who gets the most votes in all 50 states	70%	68%	70%	70%	70%
Current electoral college system	30%	32%	30%	30%	30%

	Base	Union Household	
		Yes	No
Change System			
Candidate who gets the most votes in all 50 states	70%	65%	72%
Current electoral college system	30%	35%	28%



National Popular Vote Interstate Compact

From Wikipedia, the free encyclopedia

The **National Popular Vote Interstate Compact** is an agreement among U.S. states that would effectively replace the current electoral college system of presidential elections with a direct, nationwide vote of the people. As of January 2010, this interstate compact has been joined by Hawaii, Illinois, Maryland, New Jersey, and Washington; their 61 electoral votes amount to almost 23% of the 270 needed for the compact to take effect. Bills to join the compact have been introduced in forty-three additional states, although many failed. Bills to repeal the compact have been introduced in Maryland and New Jersey.

The compact is based on Article II, Section 1 of the U.S. Constitution, which gives each state legislature the right to decide how to appoint its own electors. States have chosen various methods of allocation over the years, with regular changes in the nation's early decades. Today 48 states award all of their electoral votes to the candidate with the most popular votes statewide.

States joining the compact will continue to award their electoral votes in their current manner until the compact has been joined by enough states to represent a controlling majority of the Electoral College (currently 270 electoral votes). After that point, all of the electoral votes of the member states would be cast for the winner of the national popular vote in all 50 states and the District of Columbia. With the national popular vote winner sure to have a decisive majority in the Electoral College, he or she would automatically win the Electoral College and therefore the presidency.

Contents

- 1 Details of the compact law
- 2 History of the compact
 - 2.1 Academic plan
 - 2.2 Advocacy in State Legislatures
 - 2.2.1 Year-by-year status maps
 - 2.2.2 List of states adopting a corresponding law
- 3 Motivation for introducing the compact
- 4 Debate
 - 4.1 Small states and rural areas
 - 4.2 Close elections and voter fraud
 - 4.3 Nature of elections
 - 4.4 Electoral votes awarded to national winner, not state winner
 - 4.5 Congressional Approval
 - 4.6 Legality
- 5 State-by-state legislative history
- 6 Notes
- 7 See also
- 8 External links

Details of the compact law

States join the compact by adopting it as a state law. The compact law^[1] requires that:

- The member state shall hold presidential elections by statewide popular vote.
- After the election, the state's chief election official (usually the state Secretary of State) shall certify the number of popular votes cast in the state for each candidate and report those results to the other states by a specific deadline.
- The chief election official shall then determine "national popular vote totals" for each candidate by adding up the vote totals reported by every state and the District of Columbia. (Each state is required to make official reports of vote totals to the federal government in the form of Certificates of Ascertainment.)^[2]
- The state's electoral votes shall be awarded to the candidate with the greatest "national popular vote total."

The compact member states would give their electoral votes to the candidate with the greatest number of popular votes (a plurality), even if no candidate has a majority. In the extremely unlikely event of an exact tie in the national popular vote totals, each member state would award



Status of NPVIC legislation in current legislative session:

Passed into law:

- passed into law

Pending:

- passed in both houses
- passed in one house
 - introduced

Did not pass:

- passed in both houses
- passed in one house
 - introduced

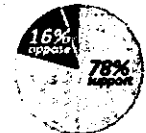
Not introduced:

- not introduced

State shapes have been adjusted in the second map so that their sizes represent Electoral College strength.

Support for direct popular vote in future presidential elections:

Democrats



Republicans



Independents



its electoral votes to the statewide winner, as is currently done in 48 states (Maine and Nebraska split their electoral votes based on results at the congressional district level).

The compact specifies that it shall take effect only if it is law in states controlling a majority of electoral votes on July 20 of a presidential election year. States wishing to join or withdraw from the compact after that date would not be able to do so until after the election. The compact would terminate in the event that the Electoral College is abolished.

History of the compact

The idea of abolishing the Electoral College by constitutional amendment has existed for some time (see Every Vote Counts Amendment). Though voting rights and electoral rules have been modified by constitutional amendment in the past, such amendments are difficult to pass because they require supermajorities in the House and Senate together with the support of three-fourths of the state legislatures.

Academic plan

In 2001 Northwestern University law professor Robert Bennett suggested a plan in an academic publication to implement a National Popular Vote through a mechanism that would *embrace* state legislatures' power to appoint electors, rather than resist that power.^[3] By coordinating, states constituting a majority of the Electoral College could effectively implement a popular vote.

Law professors (and brothers) Akhil Reed Amar and Vikram Amar defended the constitutionality of such a plan.^[4] They proposed that a group of states, through legislation, form a compact wherein they agree to give all of their electoral votes to the national popular vote winner, regardless of the balance of votes in their own state. These state laws would only be triggered once the compact included enough states to control a majority of the electoral college (270 votes), thus guaranteeing that the national popular vote winner would also win the electoral college.

The academic plan uses two constitutional features:

- Presidential Electors Clause in Article 2, section 2 which gives each state the power to determine the manner in which its electors are selected.
- Compact Clause, Article I, section 10, clause 3 under which it creates an enforceable compact.

The Amar brothers noted that such a plan could be enacted by the passage of laws in as few as eleven states and would probably not require Congressional approval, though this is not certain (see Debate below).

Advocacy in State Legislatures

John Koza, a computer science professor at Stanford had previously had exposure to interstate compacts from his work with state lottery commissions. (Koza is the inventor of the scratch-off lottery ticket). In 2006 Koza authored *Every Vote Equal*, a book that makes a detailed case for a specifically worded interstate compact to establish National Popular Vote. Koza, Barry Fadem and others formed National Popular Vote, a non-profit group to promote the legislation. The group has a bipartisan advisory committee including former US Senators Jake Garn, Birch Bayh, and David Durenberger, and former Representatives John Anderson, John Buchanan, and Tom Campbell.

By the time of the group's opening news conference in February 2006, the proposed interstate compact had been introduced in the Illinois legislature. With backing from National Popular Vote, the NPVIC legislation was introduced in five additional state legislatures in the 2006 session. It passed in the Colorado Senate and in both houses of the California legislature before being vetoed by Governor Arnold Schwarzenegger

In 2007, NPVIC legislation was introduced in 42 state legislatures. It was passed by legislative chambers in Arkansas,^[5] California,^[6] Colorado,^[7] Illinois,^[8] New Jersey^[9] and North Carolina,^[10] as well as both houses of the Hawaii legislature, where it was prevented from becoming law by a veto from Governor Linda Lingle.^[11] The bill was also passed by both houses in Maryland, which became the first state to join the compact when Governor Martin O'Malley signed it into law on April 10, 2007.^[12]

New Jersey became the second state to enter the compact when Governor Jon S. Corzine signed the bill into law on January 13, 2008.^[13] Illinois became the third state to join when Governor Rod Blagojevich signed it into law on April 7, 2008^[8] and Hawaii became the fourth on May 1, 2008 after the legislature overrode a second veto from the governor.^[14] Legislative chambers also passed the bill in Vermont (both houses, subsequently vetoed),^[15] Rhode Island (both houses, also vetoed),^[16] Washington,^[17] and Maine (by a single vote in the senate;^[18] the bill was subsequently defeated in the house).^[19]

The bill was under consideration in several additional states in 2008, including passage in the Michigan house in December 2008. As of April 2009, the NPVIC legislation has been introduced in 48 states. States where at least one chamber has adopted the NPVIC legislation in 2009 include Arkansas, Nevada, New Mexico, Oregon, Vermont and Washington.^[20]

Two measures titled "Presidential Electors. Allocation by National Popular Vote. Interstate Agreement. Statute" were filed as California ballot propositions, but failed to get on the ballot.^[21]

In Colorado, a measure was proposed by the House but failed to pass^[22] in the Colorado Senate.

Year-by-year status maps

Note: The lower maps stretch and compress the states to reflect their relative numbers of electors.

Status of NPVIC legislation	December 31, 2006	December 31, 2007	December 31, 2008	Current status
Passed into law: passed into law				
Pending: passed in both houses passed in one house introduced				
Did not pass: passed in both houses passed in one house introduced				
Not introduced: not introduced				
Participating states	0	1 (MD)	4 (+NJ, IL, HI)	5 (+WA)
Electoral votes	0 (of 270 needed)	10 (of 270 needed)	50 (of 270 needed)	61 (of 270 needed)

List of states adopting a corresponding law

No.	State	Electoral votes (EV)	Date adopted	Total EV	% of 270 EV needed
1	Maryland	10	April 10, 2007	10	3.7 %
2	New Jersey	15	January 13, 2008	25	9.3 %
3	Illinois	21	April 7, 2008	46	17.0 %
4	Hawaii	4	May 1, 2008	50	18.5 %
5	Washington	11	April 28, 2009	61	22.6 %

Motivation for introducing the compact

Public opinion surveys suggest that a majority of Americans support the idea of a popular vote for president. A 2007 poll found that 72% favored replacing the Electoral College with a direct election, including 78% of Democrats, 60% of Republicans, and 73% of independent voters.^[23] Polls dating back to 1944 have shown a consistent majority of the public supporting a direct vote.^[24] The idea is popular for various reasons:

See also: Arguments against the Electoral College

- The Electoral College may encourage campaigns to cater to voters in a few pivotal swing states, while sidelining the rest of the country. A study by FairVote reported that the 2004 candidates devoted three quarters of their peak season campaign resources to just five states, while the other 45 states got very little attention. The report also stated that 18 states received no candidate visits and no TV advertising.^[25] This may mean that swing state issues receive more attention while issues important to other states are

largely ignored.^{[26][27][28]}

- The Electoral College may also hurt voter turnout. Most voters living outside the swing states know well in advance who is likely to win their state, which may decrease their incentive to go to the polls and vote.^{[26][28]} A report by the Committee for the Study of the American Electorate found that 2004 voter turnout in competitive swing states grew by 6.3% from the previous presidential election, compared to an increase of only 3.8% in noncompetitive states.^[29] A report by The Center for Information and Research on Civic Learning and Engagement (CIRCLE) found that turnout among eligible voters under age 30 was 64.4% in the 10 closest battleground states and only 47.6% in the rest of the country—a 17% gap.^[30]
- There is debate over whether the Electoral College favors small states or large states. Those who argue that it favors small states point out that such states have more electoral votes relative to their populations.^{[31][32]} Others, however, believe that the potential of large states to shift greater numbers of electoral votes gives them more actual clout.^{[33][34][35]}
- The Electoral College allows a candidate to win the presidency while losing the popular vote, as happened in the elections of 1876, 1888 and 2000. This scenario can affect both major parties. In 2000, Democrat Al Gore lost the election despite winning the popular vote. In 2004, Republican George W. Bush would have faced the same situation himself if there had been a 60,000 vote shift to John Kerry in Ohio.^[26]

Opponents of NPV note that public understanding of the electoral college is low, and the Constitution is, by definition, not supposed to be subject to easy change based on popular opinion. They have raised concerns about the constitutionality of the legislation and, regardless of constitutionality, the wisdom of what some have called an "end run" around the Constitution. They note that while popular, electoral college reform is not a priority for most voters, in part because the College so rarely deviates from the popular vote that many voters do not even know it exists^[citation needed]. They also argue against the proposal on federalism grounds. For more detail on arguments pro and con, see section on "Debate" below.

Debate

See also: Arguments against the Electoral College

The project has been supported by editorials in several newspapers, including the *New York Times*,^[26] the *Chicago Sun-Times*, the *Los Angeles Times*,^[36] the *Boston Globe*,^[37] and the *Minneapolis Star Tribune*,^[38] arguing that the existing system discourages voter turnout and leaves emphasis on only a few states and a few issues, while a popular election would equalize voting power. Others have argued against it, including the *Honolulu Star-Bulletin*.^[32] An article by Pierre S. du Pont, IV, a former governor of Delaware, in the opinion section of the *Wall Street Journal*^[39] has called the project an urban power grab that would shift politics entirely to urban issues in high population states and allow lower caliber candidates to run. A collection of readings pro and con has been assembled by the League of Women Voters.^[40]

Some of the major issues are detailed below:

Small states and rural areas

Supporters of the compact argue that most small states are ignored under the current system because they are not swing states. They contend that a national popular vote would encourage candidates to campaign in small, medium and large towns across the country, just as they currently do within competitive swing states. Critics of the compact counter that smaller states have fewer voters, which would lead candidates to ignore them and focus instead on states with large populations. They also argue that the large numbers of popular votes in urban areas would draw candidates away from rural issues and needs.^{[39][41]}

Close elections and voter fraud

Opponents of the compact have suggested that a direct national election would raise concerns about election fraud. Former Delaware Governor Pete du Pont argues that in 2000, "Mr. Gore's 540,000-vote margin amounted to 3.1 votes in each of the country's 175,000 precincts. 'Finding' three votes per precinct in urban areas is not a difficult thing...". However, National Popular Vote has argued that a direct election would reduce the incentive for fraud. They contend that the large nationwide pool of 122 million votes would make a close outcome much less likely than it is under the current system, in which an extremely small number of votes in any one of the numerous statewide tallies may determine the national winner.^{[39][41]}

Nature of elections

Although supporters of the compact point out that direct election is already the method by which Americans elect their members of Congress, state leaders and local officials, opponents such as du Pont have argued that a direct popular vote in presidential contests could lead to a change in the current two party system. They contend that the difficulty of winning electoral votes under the current system may discourage third party and single-issue candidates from running, and therefore switching to a popular vote may lead more

third party and single-issue candidates to enter the race.^{[39][42]}

Electoral votes awarded to national winner, not state winner

Two governors who have vetoed NPVIC legislation, Arnold Schwarzenegger of California and Linda Lingle of Hawaii, have stated that they object to the compact because it would mean that their states' electoral votes may be awarded to a candidate who did not win statewide. Supporters of the compact have countered that under the popular vote system, the awarding of electoral votes would be effectively irrelevant; that giving the state's electoral votes to the national winner would be a mere symbolic formality with no political meaning, because the popular vote would have already decided the outcome.^{[43][44][45]}

Congressional Approval

Supporters of the compact believe the compact would be valid without congressional approval, but some critics maintain that the congressional approval is necessary. According to *Every Vote Equal*, although Article I, Section 10 of the Constitution requires interstate compacts receive the consent of Congress, the U.S. Supreme Court has ruled in *Virginia v. Tennessee*, 148 U.S. 503 (1893), and several more recent cases, that such consent is not necessary except where a compact encroaches on federal supremacy.^[46] *Every Vote Equal* argues that the compact could never encroach upon federal power since the constitution explicitly gives the power of casting electoral votes to the states, not the federal government. Derek Muller, an opponent of the compact, argues that the NPVIC would nonetheless affect the federal system in such a way that it requires Congressional approval.^[47] Regardless of whether or not Congressional approval is required, supporters of the NPVIC are seeking congressional approval so that Washington DC may be incorporated in the compact.

Legality

Supporters believe the compact is legal because the constitution so clearly establishes that it is within the plenary power of the states to appoint their electors in any manner they see fit. This point was reemphasized by the Supreme Court as recently as 2000 in *Bush v. Gore*. These supporters include legal expert Jamie Raskin, who co-sponsored the first NPVIC bill to be signed into law, and Akhil Reed Amar and Vikram Amar, who are among the nation's more visible experts in constitutional law^[48] and who were the compact's original proponents.

Law Professor David Gringer, however, suggests that the NPVIC could potentially violate the Voting Rights Act depending on how the Supreme Court would defines "coalitional" or "influence" districts.^[49] Robert Richie, executive director of FairVote, disputed such claims and said he was "confident in the legality of a rule change that treats all voters equally and is founded on the power given by the Constitution to the states."^[50]

Gringer also assailed the NPVIC as "an end-run around the constitutional amendment process." Jamie Raskin has responded: "the term 'end run' has no known constitutional or legal meaning. More to the point, to the extent that we follow its meaning in real usage, the 'end run' is a perfectly lawful play."^[51] Raskin argues that the adoption of the term "end run" by the compact's opponents is a tacit acknowledgment of the plan's legality.






























State-by-state legislative history

In the table below, the status of a bill is marked "pending" (in yellow) if the bill has not yet been brought to a vote, but the legislative session in which it was introduced has not yet been concluded.

Bills are only listed if they received a vote in at least one chamber or if they are still pending in the current session. The compact has been introduced in all states except Idaho at least once, but was not always voted on. The District of Columbia also has electoral votes, but no independent legislation—for D.C., a law would have to be introduced in the U.S. Congress.

EV = Number of electoral votes

State [↗]	EV [↗]	Year [↗]	Bill(s) [↗]	Lower house [↗]	Upper house [↗]	Governor [↗]	Status [↗]
█ Alaska	3	2009–10	SB 92	—	introduced ^[52]	—	pending
▣ Arkansas	6	2007	HB 1703	passed ^[5]	died in committee ^[5]	—	failed
▣ Arkansas	6	2009	HB 1339	passed ^[53]	died in committee ^[53]	—	failed
▣ California	55	2005–06	AB 2948	passed ^[54]	passed ^[54]	vetoed ^[54]	failed
▣ California	55	2007–08	SB 37	passed ^[6]	passed ^[6]	vetoed ^[6]	failed ^[6]
█ Colorado	9	2006	SB 06-223	died in committee ^[55]	passed	—	failed
█ Colorado	9	2007	SB 07-046	died in committee ^[7]	passed ^[7]	—	failed

 Colorado	9	2009	HB 1299	passed ^[56]	died in committee ^[56] ^[57]	—	failed
 Connecticut	7	2009	HB 5016	passed ^[58] ^[59]	died in committee	—	failed
 Delaware	3	2009–10	HB 198	passed ^[60]	pending	—	pending
 Hawaii	4	2007	HB 234, ^[61] SB 1956	did not override veto ^[11]	overrode veto ^[11]	vetoed ^[11]	failed
 Hawaii	4	2008	HB 3013, SB 2898	overrode veto ^[62]	overrode veto ^[14]	vetoed ^[14]	passed
 Illinois	21	2007–08	HB 858, ^[63] HB 1685, SB 78	passed ^[8]	passed ^[8]	signed ^[8]	passed
 Iowa	7	2009–10	SF 227	—	passed committee ^[64]	—	failed
 Kansas	6	2007–08	SB 150	—	died in committee ^[65]	—	failed
 Maine	4	2007–08	LD 1744	indef. postponed ^[19]	passed ^[18]	—	failed
 Maryland	10	2007	HB 148, SB 634	passed ^[66]	passed ^[66]	signed ^[66]	passed
 Massachusetts	12	2007–08	HB 4952, SB 445 ^[67]	passed ^[68]	passed ^[69]	not sent ^[70]	failed ^[71]
 Massachusetts	12	2009–10 ^[72]		pending	—	—	pending
 Michigan	17	2007– 2008	HB 6610	passed ^[73]	introduced ^[73]	—	failed
 Minnesota	10	2009	HF 512, SF 446	died in committee ^[74] ^[75]	introduced ^[76]	—	failed
 Montana	3	2007	SB 290	—	failed ^[77]	—	failed
 Nevada	5	2009	AB 413	passed ^[78]	died in committee	—	failed
 New Jersey	15	2006–07	A 4225, S 2695	passed ^[9]	passed ^[9]	signed ^[9]	passed
 New Mexico	5	2009	HB 383	passed ^[79] ^[80]	not voted on ^[81]	—	failed
 New York	31	2009–10	A01580	introduced ^[82]	—	—	pending
 North Carolina	15	2007–08	H1645, S954	died in committee ^[83]	passed ^[10]	—	failed
 North Dakota	3	2007	HB 1336	failed ^[84]	—	—	failed
 Oklahoma	7	2009–10	HB 2207	pending ^[85]	—	—	pending
 Oregon	7	2009	HB 2588	passed ^[86]	died in committee	—	failed
 Rhode Island	4	2008	H 7707, S 2112	passed ^[16]	passed ^[16]	vetoed ^[16]	failed
 Rhode Island	4	2009	HB 5569, SB 161	failed ^[87] ^[88]	passed ^[87]	—	failed
 Vermont	3	2007–08	H 373, S 270	passed ^[15]	passed ^[15]	vetoed ^[15]	failed
 Vermont	3	2009–10	S 34	in committee ^[89]	passed ^[89]	—	pending
 Washington	11	2007–08	HB 1750, SB 5628	died in committee ^[90]	passed ^[17]	—	failed
 Washington	11	2009–10	HB 1598, SB 5599	passed ^[91]	passed ^[91]	signed	passed

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See also

- National Popular Vote Inc.
- United States Electoral College
- FairVote
- Every Vote Counts Amendment
- Electoral reform in the United States

External links

- Election Law Journal Symposium on National Popular Vote
- National Popular Vote
- Agreement Among the States to Elect the President by Nationwide Popular Vote - text of the interstate compact
- Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote - read or download book for free
- FairVote
- Common Cause
- Electoral College legislation at the National Conference of State Legislatures (not up-to-date)

Retrieved from "http://en.wikipedia.org/wiki/National_Popular_Vote_Interstate_Compact"

Categories: [United States interstate compacts](#) | [Electoral reform in the United States](#)

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Home Explanation Answering Myths Polls FAQ News States Electoral College About Take Action Write Legislator Donate

"The appointment, and mode of appointment, of electors belong exclusively to the states" - U.S. Supreme Court

Endorsed by 1,777 State Legislators



Massachusetts Rep. Charles A. Murphy

In addition to 829 state legislative sponsors (shown above), 948 other legislators have cast recorded votes in favor of the National Popular Vote bill.

Editorial Support

- New York Times
 - Chicago Sun-Times
 - Minneapolis Star Tribune
 - Los Angeles Times
 - Sacramento Bee
 - The Columbian
 - Wichita Falls Times
 - Anderson Herald Bulletin
 - Fayetteville Observer
 - Boston Globe
 - Hartford Courant
 - The Tennessean
 - Daily Astorian
 - Sarasota Herald Tribune
 - Miami Herald
 - Connecticut Post
- [more endorsements](#)

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The National Popular Vote bill would guarantee a majority of the Electoral College to the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia. The bill would reform the Electoral College so that the electoral vote in the Electoral College reflects the choice of the nation's voters for President of the United States. [more](#)

5 Enactments

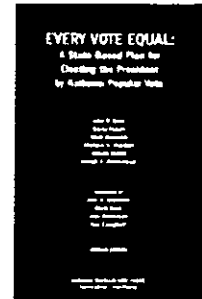
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- Hawaii, Illinois, Maryland, New Jersey and Washington Enact Bill
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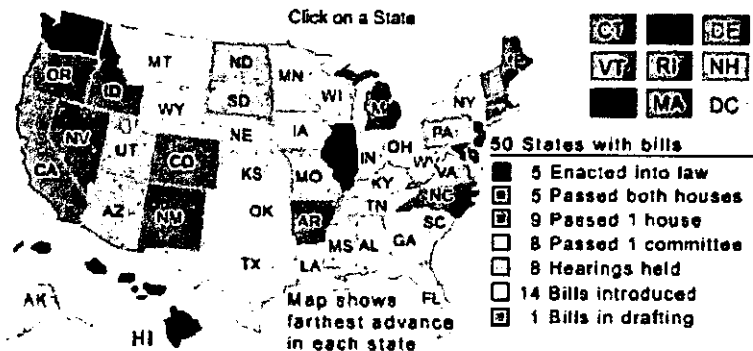
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State Progress on Reforming Electoral College



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- Congressional District Proposal Is Worse Than Current System
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Common Cause
FairVote
[more endorsements](#)

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North Carolina Rep. Becky Carney

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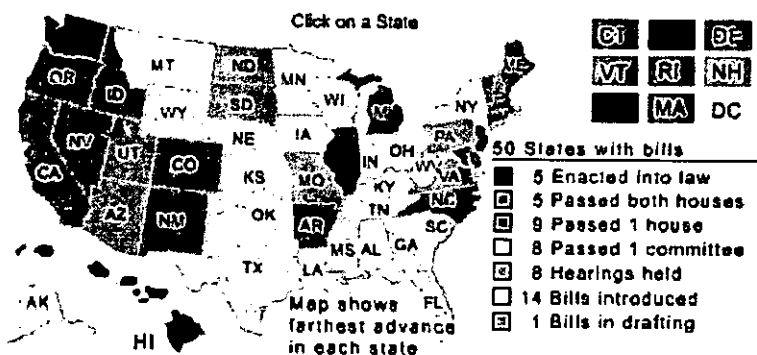
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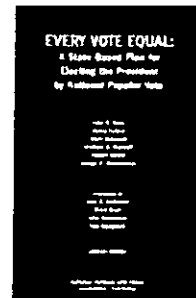
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South Carolina Rep. Cathy B. Harvin

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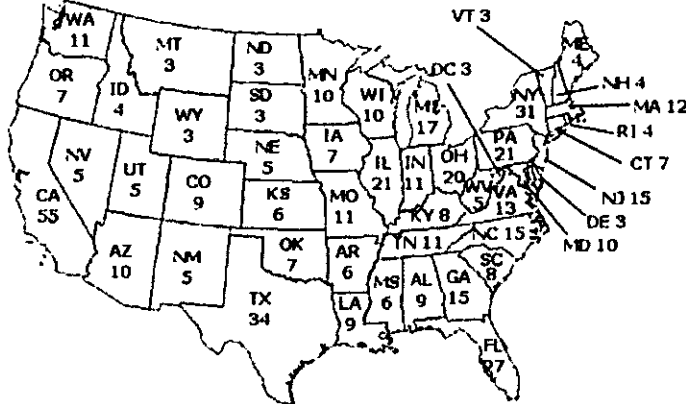
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- Hawaii - 4 votes
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The Electoral College

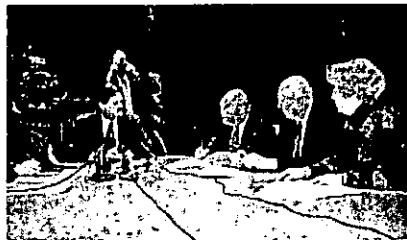
The U.S. Constitution specifies that the President and Vice President of the United States are to be chosen every four years by a small group of people who are individually referred to as "presidential electors." The electors are collectively referred to as the "Electoral College."



The Constitution specifies that each state is entitled to one member of the Electoral College for each of its U.S. Representatives and U.S. Senators. Today, there are a total of 538 electoral votes in the Electoral College. This total corresponds to the 435 U.S. Representatives from the 50 states plus the 100 U.S. Senators from the 50 states plus the three members of the Electoral College to which the District of Columbia became entitled under the 23rd Amendment (ratified in 1961). Every 10 years, the 435 U.S. Representatives are reapportioned among the states in accordance with the latest federal census, thereby automatically reapportioning the membership of the Electoral College among the states.

Members of the Electoral College are chosen by each state and the District of Columbia on the Tuesday after the first Monday in November in presidential election years. Each political party nominates its own candidates (typically long-standing party activists) for the position of presidential elector.

The 538 members of the Electoral College cast their votes for President and Vice President in meetings held in the 50 state capitals and the District of Columbia in mid-December of presidential election years. If all 538 electors are appointed, 270 electoral votes (i.e., a majority of 538 members of the Electoral College) are required to elect the President and the Vice President.



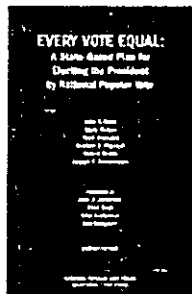
The three North Dakota members of the Electoral College met on December 15, 2000, in Bismarck to cast their votes for the Bush-Cheney ticket. Gov. John Hoeven (left) observes former Gov. Ed Schafer put his signature to ballot for Electoral College. The other two electors are former state Senator Bryce Streibel of Fressenden and former Lieutenant Governor Rosemarie Myrdal. [more](#)



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The three Wyoming members of the Electoral College met in December 1996 in Cheyenne to cast their votes for the Robert Dole for President and Jack Kemp for Vice President.

The table below shows the distribution of electoral votes among the 51 jurisdictions that appoint members of the Electoral College. Because each state has two Senators and at least one Representative, no state has fewer than three members of the Electoral College. The states with the most members of the Electoral College are California (55), Texas (34), and New York (31). There are 13 low-population states with three or four members of the Electoral College. The average number of members of the Electoral College per state is about 11.

Distribution of electoral votes

Jurisdiction	Representatives	Senators	Total Members of the Electoral College
Alabama	7	2	9
Alaska	1	2	3
Arizona	8	2	10
Arkansas	4	2	6
California	53	2	55
Colorado	7	2	9
Connecticut	5	2	7
Delaware	1	2	3
DC	0	0	3
Florida	25	2	27
Georgia	13	2	15
Hawaii	2	2	4
Idaho	2	2	4
Illinois	19	2	21
Indiana	9	2	11
Iowa	5	2	7
Kansas	4	2	6
Kentucky	6	2	8
Louisiana	7	2	9
Maine	2	2	4
Maryland	8	2	10
Massachusetts	10	2	12
Michigan	15	2	17
Minnesota	8	2	10
Mississippi	4	2	6
Missouri	9	2	11
Montana	1	2	3
Nebraska	3	2	5
Nevada	3	2	5
New Hampshire	2	2	4
New Jersey	13	2	15
New Mexico	3	2	5
New York	29	2	31
North Carolina	13	2	15
North Dakota	1	2	3
Ohio	18	2	20

New York - 79%
 North Carolina - 74%
 Ohio - 70%
 Oklahoma - 81%
 Oregon - 76%
 Pennsylvania - 78%
 Rhode Island - 74%
 South Dakota - 75%
 Utah - 70%
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Oregon	5	2	7
Pennsylvania	19	2	21
Rhode Island	2	2	4
South Carolina	6	2	8
South Dakota	1	2	3
Tennessee	9	2	11
Texas	32	2	34
Utah	3	2	5
Vermont	1	2	3
Virginia	11	2	13
Washington	9	2	11
West Virginia	3	2	5
Wisconsin	8	2	10
Wyoming	1	2	3
Total	435	100	538

The date for the meeting of the Electoral College is established by federal election law (United States Code, Title 3, chapter 1, section 7). In 2004, the designated day for the meeting of the Electoral College was Monday, December 13. This statute was enacted in 1934 after the 20th Amendment changed the date for the presidential inauguration from March 4 to January 20.

The people have the right, under the U.S. Constitution, to vote for U.S. Representatives. The 17th Amendment (ratified in 1913) gave the people the right to vote for U.S. Senators (who were elected by state legislatures under the original Constitution). The people, however, have no federal constitutional right to vote for President or Vice President or for their state's members of the Electoral College. Instead, the Constitution (Article II, section 1, clause 2) provides:

"Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress...."

As the U.S. Supreme Court observed in the 1892 case of *McPherson v. Blacker*:

"The constitution does not provide that the appointment of electors shall be by popular vote, nor that the electors shall be voted for upon a general ticket, nor that the majority of those who exercise the elective franchise can alone choose the electors." ...

"In short, the appointment and mode of appointment of electors belong exclusively to the states under the constitution of the United States."

In 2000, the U.S. Supreme Court in *Bush v. Gore* reiterated the principle that the people have no federal constitutional right to vote for President or Vice President or for their state's members of the Electoral College..

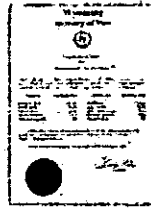
"The individual citizen has no federal constitutional right to vote for electors for the President of the United States unless and until the state legislature chooses a statewide election as the means to implement its power to appoint members of the Electoral College."

The Constitution's delegation of power to the states to choose the manner of selecting their members of the Electoral College is unusually unconstrained. It contrasts significantly with the limitations contained in the Constitution on state power over the manner of conducting congressional elections (Article II, section 4, clause 1).

"The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations...."

In a 1919 case involving a state statute entitled "An act granting to women the right to vote for presidential electors," the Maine Supreme Judicial Court wrote (*In re Opinion of the Justices*):

"[E]ach state is thereby clothed with the absolute power to appoint electors in such manner as it may see fit, without any interference or control on the part of the federal government, except, of course, in case of attempted discrimination as to race, color, or previous condition of servitude...."



Certificate of Ascertainment showing that Wyoming cast its three electoral votes for the Bush-Cheney ticket because that state received more popular votes in Wyoming than any other state.

Reform the Electoral College so that the electoral vote reflects the nationwide popular vote for President



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2. Myths about Small States

[\[back to Main Table of Contents\]](#)

CONTENTS

2 Myths about Small States

- 2.1 MYTH: The small states would be disadvantaged by a national popular vote.
- 2.2 MYTH: The small states oppose a national popular vote.
- 2.3 MYTH: The National Popular Vote bill threatens the equal representation of the states in the U.S. Senate.
- 2.4 MYTH: A national popular vote would undermine a partisan advantage in favor of the Republican Party in the small states.

2.1 MYTH: The small states would be disadvantaged by a national popular vote.

The small states are the most disadvantaged group of states under the current system.

Although the small states theoretically benefit from receiving two extra electoral votes corresponding to their U.S. Senators, this "bonus" does not, in practice, translate into political power. Political power in presidential elections comes from being a closely divided battleground state—not from the two-vote bonus conferred on the small states in the Electoral College.

Under 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), candidates have no reason to poll, visit, advertise, organize, or pay attention to the concerns of states where they are comfortably ahead or hopelessly behind. Instead, candidates concentrate their attention on a small handful of battleground states. This means that voters in the vast majority of the states are ignored in presidential elections. In 2004, candidates concentrated over two-thirds of their money and campaign visits in five states; over 80% in nine states; and over 99% of their money in 16 states. In 2008, candidates concentrated over two-thirds of their campaign events and ad money in just states, and 98% in just 15 states.²⁰

The reason that the small states are the most disadvantaged group of states under the current system is that almost all of them are one-party states in terms of presidential elections. In the last six presidential elections (1988 through 2008), six of the 13 least populous states (i.e., those with three or four electoral votes) have regularly gone Republican (Alaska, Idaho, Montana, Wyoming, North Dakota, and South Dakota). Six others (Hawaii, Vermont, Maine, Rhode Island, Delaware, and the District of Columbia) have regularly gone Democratic.²¹ New Hampshire has been the only battleground state among the 13 smallest states.

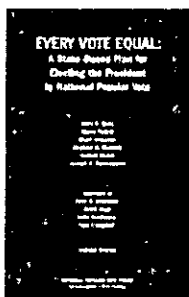
The 12 smallest non-competitive states have a combined population of 11.4 million. Because of the bonus of two electoral votes that every state receives, these 12 small states have 40 electoral votes. Coincidentally, Ohio has 11.4 million people. Ohio has 20 electoral votes. That is, the 11 million people in Ohio have "only" 20 electoral votes, whereas the 11 million people in the 12 smallest non-competitive states have 40 electoral votes. However, political power does not arise from the number of electoral votes that a state possesses, but, instead, from whether the state is a closely divided battleground state. The battleground state of Ohio (with "only" 20 electoral votes) received 62 visits in the 2008 presidential election. However, the 12 non-battleground small states (with their 40 electoral votes) were politically irrelevant. In 2008, the 12 small non-competitive states received no visits, advertising, polling, or policy consideration by presidential candidates because the outcome of the presidential race in those states is generally a foregone conclusion. The winner-take-all rule makes the 11 million people in the closely divided battleground state of Ohio crucial in presidential races, while rendering the 11 million



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Arkansas - 80%
Arkansas - 74%
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California - 70%
Colorado - 68%
Connecticut - 73%
Connecticut - 74%
Delaware - 75%
Florida - 78%
Kentucky - 80%
Idaho - 77%
Iowa - 75%
Maine - 77%
Maine - 71%
Massachusetts - 73%
Michigan - 70%
Michigan - 73%
Minnesota - 75%
Mississippi - 77%
Missouri - 66%
Missouri - 70%
Nebraska - 74%
Nevada - 72%
New Hampshire - 69%
New Mexico - 76%

people in the nation's smallest states irrelevant. This is a situation in which 20 is much more than 40. A national popular vote would make every vote equal throughout the United States. A national popular vote would make a vote cast in a small state as important as a vote cast in Ohio.

Most of the states with five or six electoral votes are similarly non-competitive in presidential elections (and therefore similarly disadvantaged). In fact, of the 22 least populous states (i.e. those with between three and six electoral votes), only New Hampshire (four electoral votes), New Mexico (five electoral votes), and Nevada (five electoral votes) have been battleground states in recent elections.

The fact that the small states are disadvantaged by the current system has been recognized by prominent officials from smaller states. In a 1979 Senate speech, Senator Henry Bellmon (R-Oklahoma) described how his views on the Electoral College had changed as a result of serving as National Campaign Director for Richard Nixon and a member of the American Bar Association's commission studying electoral reform.

"While the consideration of the electoral college began—and I am a little embarrassed to admit this—I was convinced, as are many residents of smaller States, that the present system is a considerable advantage to less populous States such as Oklahoma. ... As the deliberations of the American Bar Association Commission proceeded and as more facts became known, I came to the realization that the present electoral system does not give an advantage to the voters from the less populous States. Rather, it works to the disadvantage of small State voters who are largely ignored in the general election for President."²² [Emphasis added]

Senator Robert E. Dole of Kansas, the Republican nominee for President in 1996 and Republican nominee for Vice President in 1976, stated:

"Many persons have the impression that the electoral college benefits those persons living in small states. I feel that this is somewhat of a misconception. Through my experience with the Republican National Committee and as a Vice Presidential candidate in 1976, it became very clear that the populous states with their large blocks of electoral votes were the crucial states. It was in these states that we focused our efforts.

"Were we to switch to a system of direct election, I think we would see a resulting change in the nature of campaigning. While urban areas will still be important campaigning centers, there will be a new emphasis given to smaller states. **Candidates will soon realize that all votes are important, and votes from small states carry the same import as votes from large states. That to me is one of the major attractions of direct election. Each vote carries equal importance.**

"Direct election would give candidates incentive to campaign in States that are perceived to be single party states."²³ [Emphasis added]

Because so few of the least populous states are battleground states in presidential elections, the current system actually shifts power from voters in the small and medium-sized states to voters in a handful of big states. As early as the spring of 2008, both major political parties acknowledged that there would be at most 14 battleground states (involving only 166 of the 538 electoral votes) in the 2008 presidential election.²⁴ In other words, two-thirds of the states were regarded as irrelevant under the current system. Among this group of 14 battleground states, Michigan (17 electoral votes), Ohio (20), Pennsylvania (21), and Florida (27) contain over half (85) of the 166 electoral votes. Among the 22 least populous states, only three (i.e., New Hampshire, New Mexico, and Nevada) were among this group of 14 battleground states. These three states contain only 14 of the 166 electoral votes. The net result is that the current system shifts power from voters in the least populous states to voters in a handful of closely divided battleground states (almost all of which are big states).

2.2 MYTH: The small states oppose a national popular vote.

New York - 79%
 North Carolina - 74%
 Ohio - 70%
 Oklahoma - 81%
 Oregon - 76%
 Pennsylvania - 78%
 Rhode Island - 74%
 South Dakota - 75%
 Utah - 70%
 Vermont - 75%
 Virginia - 74%
 Washington state - 77%
 Washington state - 77%
 Wisconsin - 71%

29 Houses Pass Bill

Arkansas House
 California Senate
 California Assembly
 Colorado House
 Colorado Senate
 Connecticut House
 Delaware House
 Hawaii House
 Hawaii Senate
 Illinois House
 Illinois Senate
 Maine Senate
 Maryland House
 Maryland Senate
 Massachusetts House
 Massachusetts Senate
 Michigan House
 Nevada Assembly
 New Jersey Assembly
 New Jersey Senate
 New Mexico House
 North Carolina Senate
 Oregon House
 Rhode Island House
 Rhode Island Senate
 Vermont House
 Vermont Senate
 Washington House
 Washington Senate

What Do You Think

How should we elect the President?

The candidate who gets the most votes in all 50 states.

The current Electoral College system.

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The facts speak for themselves. Hawaii was the fourth state to enact the National Popular Vote bill. As of 2008, the bill has been approved by a total of seven state legislative chambers in small states, including one house in Maine and both houses in Hawaii, Rhode Island, and Vermont.

The concept of a national popular vote for President is far from being politically "radioactive" in small states. Indeed, the concept of a national popular vote for President is popular in small states. Polls in 2008 showed a high level of support for a nationwide election for President in small states such as Vermont (75%), Maine (71%), New Hampshire (69%), and Rhode Island (74%).²⁵ These results are consistent with the fact that more than 70% of the American people have favored a nationwide election for President since the Gallup poll started asking this question in 1944. The *Washington Post*, Kaiser Family Foundation, and Harvard University poll in 2007 showed 72% support for direct nationwide election of the President. This recent national result is similar to recent statewide polls in Arkansas (74%), California (70%), Connecticut (73%), Massachusetts (73%), Michigan (73%), Missouri (70%), and Washington (77%). In short, there is very little difference in the level of political support for a national popular vote in small, medium-sized, and large states.

The small states are the most disadvantaged group of states under the current system (as discussed in section 10.2.1 of this book). The fact that the bonus of two electoral votes is an illusory benefit to the small states is not a new revelation. This fact has been widely recognized by the small states for some time. In 1966, Delaware led a group of 12 predominantly low-population states (including North Dakota, South Dakota, Wyoming, Utah, Arkansas, Kansas, Oklahoma, and Iowa) in suing New York in the U.S. Supreme Court. These states argued that New York's use of the winner-take-all rule effectively disenfranchised voters in their states.²⁶ The Court declined to hear the case (presumably because of the well-established constitutional provision that the manner of awarding electoral votes is exclusively a state decision). Ironically, the defendant (New York) is no longer an influential battleground state (as it was in the 1960s). Today, New York suffers the very same disenfranchisement as most of the less populous states because it too has become politically non-competitive. Today, a vote in New York is equal to a vote in Wyoming—votes in both are equally irrelevant in presidential elections.

The Electoral College is not the bulwark of influence for the small states in the U.S. Constitution. The 13 smallest states (with 3% of the nation's population) have 25% of the votes in the U.S. Senate—a very significant source of political clout. However, the 13 smallest states (i.e., those with three or four electoral votes) have only 26 extra votes in the Electoral College by virtue of the two-vote bonus—not a large number in relation to the total of 538 electoral votes. Although the 13 smallest states cast 3% of the nation's popular vote while possessing 6% of the electoral votes, the extra 3% is a minor numerical factor in the context of a presidential election. More significantly, this small theoretical advantage is eradicated by the fact that the small states are equally divided between the two major political parties and because the one-party character of the small states makes 12 out of 13 of them irrelevant in presidential elections. In fact, the bulwark of influence for the small states is the equal representation of the states in the U.S. Senate—not the small number of additional electoral votes that they have in the Electoral College.

2.3 MYTH: The National Popular Vote bill threatens the equal representation of the states in the U.S. Senate.

Equal representation of the states in the U.S. Senate is explicitly established in the U.S. Constitution. This feature of the U.S. Constitution cannot be changed by state law. In fact, it may not even be amended by an ordinary federal constitutional amendment. Instead, this feature of the U.S. Constitution may only be changed by unanimous consent of all 50 states.²⁷ In contrast, the U.S. Constitution explicitly assigns the power to choose the manner of electing the President to the state legislatures. The adoption by a state legislature of the National Popular Vote bill is an exercise of a legislature's existing powers under the U.S. Constitution. Such action has no impact or bearing on the constitutional provisions concerning representation in the U.S. Senate.

2.4 MYTH: A national popular vote would undermine a partisan advantage in favor of the Republican Party in the small states.

The small state issue sometimes serves as a surrogate for the unstated political concern (and misconception) that the small states confer a partisan advantage in favor of the Republican Party. However, this belief does not reflect current political reality. In the last six presidential elections (1988 through 2008), six of the 13 least populous states have regularly gone

Republican (Alaska, Idaho, Montana, Wyoming, North Dakota, and South Dakota), while six others (Hawaii, Vermont, Maine, Rhode Island, Delaware, and the District of Columbia) have regularly gone Democratic.²⁸ New Hampshire has been, in recent years, the one closely divided battleground state among the 13 smallest states (having supported the Democrat in 1992 and 1996, the Republican in 2000, and the Democrat in 2004 and 2008).

Interestingly, the 12 smallest non-competitive states actually confer a slight political advantage on the Democratic presidential candidate. For example, in 2004, John Kerry won 21 electoral votes from his 444,115-vote lead in the six non-competitive Democratic small states, whereas George W. Bush won only 19 electoral votes from his 650,421-vote lead in the six non-competitive Republican small states. The reason that the Democrats enjoy a partisan advantage in presidential elections in the smallest states is that the six regularly Republican small states are very heavily Republican (Alaska 64%, Idaho 69%, Montana 61%, Wyoming 70%, North Dakota 64%, and South Dakota 61%). In contrast, the Democrats carried three of their six small states (Delaware, Hawaii, and Maine) with only 54% of the vote. A 54% margin is generally viewed as placing a state safely out of reach for the opposition during a typical presidential campaign,²⁹ however, 54% is considerably less than the Republican Party's margin in their six small states. In two additional states (Vermont and Rhode Island), the Democrats won with 60% of the vote (again a smaller margin than the Republican Party's margin in their six small states). If the boundaries of the small states had been recently drawn, there would be accusations that the boundaries were a Democratic gerrymander.

²⁰ <http://fairvote.org/tracker/?page=27&pressmode=showspecific&showarticle=230>.

²¹ Among the six regularly Republican-leaning small states Clinton carried Montana in 1992 (presumably due to Perot's presence on the ballot). Among the six Democratic-leaning small states, George H. W. Bush carried Delaware, Maine, and Vermont in 1988.

²² *Congressional Record*. July 10, 1979. Page 17748.

²³ *Congressional Record*. January 14, 1979. Page 309.

²⁴ "Already, Obama and McCain Map Fall Strategies." *New York Times*. May 11, 2008.

²⁵ These polls (and many others) are available on National Popular Vote's web site at <http://www.nationalpopularvote.com/pages/polls.php#2007WPKHU>.

²⁶ Information about *State of Delaware v. State of New York* (and links to the pleadings) may be found at http://www.nationalpopularvote.com/pages/misc/de_lawsuit.php.

²⁷ Article V of the U.S. Constitution provides: "No State, without its Consent, shall be deprived of its equal Suffrage in the Senate."

²⁸ Among the six regularly Republican-leaning small states, Clinton carried Montana in 1992 (presumably due to Perot's presence on the ballot). Among the six Democratic-leaning small states, George H. W. Bush carried Delaware, Maine, and Vermont in 1988.

²⁹ Although there is no universally accepted definition of a battleground state, battleground states are, more or less, those in which the spread between the top two candidates is less than 8%.

Reform the Electoral College so that the electoral vote reflects the nationwide popular vote for President

Hartford Courant.

For National Popular Vote

Hartford Courant editorial

March 2, 2008

Connecticut, to everyone's surprise, was in play during the Super Tuesday primaries. Three major candidates visited the state.

But that may not happen in the run-up to the November general election (minus a quick fundraising visit or two to Fairfield County). If, say, the state is considered safe for the Democrats, neither candidate will feel the need to campaign here. The same thing is likely to happen in two-thirds of the other states.

Our system of electing the president and vice president is flawed and archaic. There is a way to change it without amending the U.S. Constitution. The states can simply agree to give their electoral votes — regardless of who wins each state's popular vote — to the winner of the national popular vote. There is a serious proposal to adopt the "National Popular Vote" plan here and across the country. It's worth supporting.

Connecticut Often Ignored

The problem with the present system is the winner-take-all rule used in 48 states. In all states except Maine and Nebraska, the candidate who wins the state's popular vote gets all of the state's electoral votes.

So if a candidate is assured of winning, say, 55 percent of the popular vote, the campaign is over. He or she will get all the electoral votes, and there's no point in trying to get more votes, nor is there any point in the losing candidate losing by fewer votes. Although it's possible that the losing candidate could try to reverse the numbers, what almost always happens is that both candidates put their money and time into battleground states.

According to the FairVote organization, 99 percent of the campaign advertising money in the 2004 presidential election was spent in just 17 states, and 92 percent of the campaign visits were in only 16 states. Issues in those states are thrust to the fore, at the expense of whatever Connecticut and other less-noticed states are concerned about. Federal grants tend to find their way to contested states, especially as elections near.

The way we elect presidents now thwarts the democratic principle of majority rule. Four times in our nation's history, most recently in 2000, a president has won the office while losing the popular vote. It almost happened in a number of other elections. A shift of only 60,000 votes in Ohio would have given the 2004 election to John Kerry, despite President George W. Bush's 3.5 million-vote lead in the popular tally.

Also, the lack of a meaningful campaign depresses voter turnout, which in turn makes things worse for the minority party.

Reformers have been trying to scuttle the Electoral College system for at least 50 years. Twice in the 1970s, a proposed constitutional amendment passed one house of Congress, only to be blocked by beneficiaries of the current system. It is difficult, as it should be, to amend the U.S. Constitution. But because states have the power to allocate their electoral votes, some clever folks have come up with another way around the block.

Change How States Use Votes

The National Popular Vote creates a compact. All of the states that join agree to give their electoral votes to the candidate who receives the most popular votes in all 50 states and the District of Columbia. The compact only kicks in when enacted by states possessing a majority of the electoral votes — 270 of 538, enough to elect a president.

The bill has passed in two states, Maryland and New Jersey, and is in the pipeline in more than 40 other states, including Connecticut. The bill, which failed to pass last year, has been introduced again, and backers say it has a better chance of passage this year.

Support is not universal. Critics such as Gov. Arnold Schwarzenegger, who vetoed the bill after it passed both houses in the California legislature, object to the possibility that a state could give its electoral votes to a candidate it didn't support.

Others in favor of the devil-we-got say the new method could increase the cost of elections and focus campaigning on population centers at the expense of rural areas.

Those points are well-taken, but the positives of National Popular Vote outweigh the negatives. There are no other indirect elections left in government; they are a relic of the past. The Electoral College was supposed to help small-population states (and Southern states where slaves couldn't vote), but most small-population states aren't in play on Election Day. That the 2000 election was hanging on hanging chads was absurd.

If a million votes in Connecticut count as much as a million votes in Ohio, we'll see the candidates again. National Popular Vote is worth a try.

The New York Times

Maryland Takes the Lead

New York Times Editorial

April 14, 2007

As the nation braces for a long and numbing presidential election, the State of Maryland has done voters a favor by rejecting the Electoral College as a fossil in need of a democratic makeover. Gov. Martin O'Malley and the Annapolis legislature made the state the first in the nation to decide that its Electoral College members should someday be required to vote for the presidential candidate chosen by a plurality of the nation's voters, not according to the state's parochial tally.

The change would not take effect until it won final acceptance by enough states to amount to a 270-vote majority in the college. (Maryland has 10 votes.) But it is something all Americans would benefit from, particularly the masses of voters routinely ignored when candidates focus on a few battleground states — just 16 in 2004 — that increasingly settle modern campaigns.

The need to scrap the creaky college machinery was made clear in the angst of the 2000 election. George W. Bush lost the popular election by almost 544,000 votes, yet won in a Supreme Court showdown over Florida's electors that hinged on far fewer disputed state ballots. Four years later, it was Mr. Bush's turn to sweat as he handily won the national vote yet came close to losing Ohio — and the White House — in the college's arcane state-by-state fragmentation of the popular majority.

The reform movement, driven by a bipartisan coalition called National Popular Vote, has a long way to go. But Hawaii is close to approval, and hundreds of legislators are sponsoring the change in more than 40 other states. It is an ingenious way around the fact that the alternative strategy of trying to amend the Constitution would require the approval of three-fourths of the states, leaving veto power in the hands of smaller states over-represented in the college.

The objection that reform would mean that rural interests would be ignored is a canard. The change would require candidates to present positions that galvanized all Americans. This is the truer and more certain path of democracy.

The New York Times

Drop Out of the College

New York Times Editorial

March 14, 2006

The Electoral College is an antidemocratic relic. Everyone who remembers 2000 knows that it can lead to the election of the candidate who loses the popular vote as president. But the Electoral College's other serious flaws are perhaps even more debilitating for a democracy. It focuses presidential elections on just a handful of battleground states, and pushes the rest of the nation's voters to the sidelines.

There is an innovative new proposal for states to take the lead in undoing the Electoral College. Legislatures across the country should get behind it.

Both parties should have reason to fear the college's perverse effects. In 2000, the Democrats lost out. But in 2004, a shift of 60,000 votes in Ohio would have elected John Kerry, even though he lost the national popular vote decisively.

Just as serious is the way the Electoral College distorts presidential campaigns. Candidates have no incentive to campaign in, or address the concerns of, states that reliably vote for a particular party. In recent years, the battleground in presidential elections has shrunk drastically. In 1960, 24 states, with 327 electoral votes, were battleground states, according to estimates by National Popular Vote, the bipartisan coalition making the new proposal. In 2004, only 13 states, with 159 electoral votes, were. As a result, campaigns and national priorities are stacked in favor of a few strategic states. Ethanol fuel, a pet issue of Iowa farmers, is discussed a lot. But issues of equal concern to states like Alabama, California, New York and Indiana are not.

The Electoral College discourages turnout because voters in two-thirds of the nation know well before Election Day who will win their states. It also discriminates among voters by weighing presidential votes unequally. A Wyoming voter has about four times as much impact on selecting that state's electors as a California voter does on selecting that state's.

The answer to all of these problems is direct election of the president. Past attempts to abolish the Electoral College by amending the Constitution have run into difficulty. But National Popular Vote, which includes several former members of Congress, is offering an ingenious solution that would not require a constitutional amendment. It proposes that states commit to casting their electoral votes for the winner of the national popular vote. These promises would become binding only when states representing a majority of the Electoral College signed on. Then any candidate who won the popular vote would be sure to win the White House.

The coalition is starting out by trying to have laws passed in Illinois and a few other states. Americans are rightly cautious about tinkering with mechanisms established by the Constitution. But throughout the nation's history, there have been a series of reforms affecting how elections are conducted, like the ones that gave blacks and women the vote and provided for the direct election of United States senators. Sidestepping the Electoral College would be in this worthy tradition of making American democracy more democratic.

We vote for a fairer way to decide national elections

Chicago Sun-Times editorial

March 1, 2006

Calls to reform or abolish the Electoral College hit a fever pitch after the 2000 presidential election, when Al Gore won the popular tally but didn't have enough votes in the right states to carry the electoral vote. That call quieted somewhat after the 2004 election, when President Bush won the popular vote but still could have lost the election if John Kerry had won Ohio. Despite interest in reform, nothing has happened, mostly due to the difficulty in amending the Constitution.

Now a bipartisan commission, whose members include former Rep. John Anderson (R-Ill.) and former Sen. Birch Bayh (D-Ind.), has proposed an idea to retain the Electoral College while still ensuring it reflects the will of the majority of voters. The Sun-Times News Group backs the concept and applauds the National Popular Vote group for thinking outside the box.

The group's plan is to get enough states to agree to give all their electoral votes to the national vote winner, regardless of the results in their individual states. Under the proposal, each state would pass laws to change the way their electoral votes are awarded, a process the Constitution leaves for the states to set. They would also enter an interstate compact with other states that make the same change, agreeing that the new system won't take effect until states representing 270 electoral votes -- the number needed to carry the Electoral College -- have joined.

In Illinois, the plan is backed by a group that includes state Senators Jacqueline Collins, a Chicago Democrat, and Kirk Dillard, a Hinsdale Republican and chairman of the DuPage County Republican Party.

Using such a system in the last election would have meant Bush won all of Illinois' electoral votes, even though Kerry easily carried the state. If that sounds strange, it's no stranger than Illinois and other populous states being virtually ignored by both parties during the last campaign, since one candidate or the other had them locked so early. That likely hurt the turnout in those noncompetitive states, affecting elections further down the ticket.

What of awarding electoral votes by the top vote-getter in each congressional district, as is currently done in Nebraska and Maine? That would simply set up a situation where candidates concentrate on a small number of battleground districts, because, thanks to gerrymandering, most districts are noncompetitive.

Republicans may be hardest to persuade to support this plan, over fears that large urban centers that tend to vote Democratic will dominate elections. But that wasn't an impediment to Bush's re-election. And polls show most Americans want the president to be elected by the popular vote. It's time to make the change with this innovative plan.

This editorial represents the view of the Sun-Times News Group of 100 newspapers in the Chicago metro area.

States join forces against electoral college

A piecemeal approach may be the only way to kill the anachronistic institution

Los Angeles Times Editorial

June 5, 2006

A PROPOSED EXPERIMENT with majority rule has generated plenty of naysayers who apparently think that some nations are simply too immature to let people directly choose their own leaders. But we say the United States is ready for real democracy.

The experiment is the National Popular Vote campaign, which intends to undermine the Constitution's anachronistic Electoral College. If the campaign succeeds, future presidents will take office only if they win the popular vote nationwide.

The ingenious scheme was developed by John R. Koza, a Stanford professor who also invented the scratch-off lottery ticket. It calls on state legislatures to pass a measure dictating that all the electoral votes from that state go to the winner of the national popular vote. It goes into effect only if enough states approve it to represent a majority of the electoral votes. In other words, if states that represent at least 270 of the 538 electoral votes all approve the measure, the winner of the popular vote nationwide would automatically win the presidency. It thus renders the Electoral College moot without eliminating it.

This kind of end run is necessary because the only way to get rid of the Electoral College entirely is via a constitutional amendment, which would be nearly impossible to pass. Enough small states benefit from the current system to block an amendment. The beauty of this approach is that each state is constitutionally allowed to allot its electoral votes as it sees fit. The measure was approved by California's Assembly on Tuesday and is pending in four other states; backers hope to get it before all 50 states by January.

Anyone wondering why he should care about the Electoral College need look no further than the 2000 election, when George W. Bush won the presidency despite getting about half a million fewer votes than Al Gore. If that makes conservatives think they should be thankful that the majority doesn't always rule in the United States, they should think again. The same thing nearly happened in reverse in 2004. If John Kerry had picked up a mere 60,000 more votes in Ohio, he would have won — even though Bush took in 3 million more votes overall.

The Electoral College doesn't skew just election results; it skews elections. Candidates know they don't have to campaign in states that either clearly favor them or clearly don't; they have to focus only on swing states. In the 2004 campaign, Bush and Kerry spent a great deal of time brushing up on agricultural policy and other issues of vital concern in Iowa, while ignoring matters important to people in states such as California, Texas and New York.

Opponents argue that the current system ensures that smaller states continue to have a say in setting national policy. But the U.S. Senate already gives Delaware every bit as much clout as California. Any method besides majority vote empowers some citizens at the expense of others and makes the president beholden to minority interests.

At its inception, the United States was, well, a union of states. But it is now one nation, and our president should be elected by the citizens of that nation, not by its constituent states. To argue otherwise is to say that some Americans should have more power to elect a president than others simply because of where they live. Remember, all men are created equal. Including Californians and New Yorkers.

http://www.latimes.com/news/printedition/opinion/la-ed-college05jun05.1.6822980_story

StarTribune.com

Minneapolis - St. Paul, Minnesota

How to drop out of the Electoral College:

There's a way to ensure top vote-getter becomes president

Editorial—Minneapolis Star Tribune

March 27, 2006

This country could form a more perfect union by accepting a novel idea: that the president of the United States should be elected by the people of the United States.

That's not the way it's done, of course, and, given the Constitution's enshrinement of the Electoral College, things aren't likely to change. To quit the college would take approval of two-thirds of both houses of Congress and three-quarters of state legislatures, so fuggedaboutit.

But now comes a gaggle of bipartisan reformers with a cheeky idea worth considering. What if legislatures, one by one, entered their states into an interstate compact under which members would agree to award their electoral votes to the winner of the national popular vote? The compact would kick in only when enough states had joined it to elect a president—that is, when a majority of the 538 electoral votes were assembled. As few as 11 states could ensure that the candidate with the most popular votes nationally would win the presidency. As a result, the Constitution and the Electoral College would stay intact, but the college's fangs would be removed.

That approach would be more democratic than current practice. Recall that Al Gore lost the 2000 election to George W. Bush despite getting a half-million more popular votes, and that Bush nearly lost the 2004 election despite getting 3 million more popular votes (a shift of only 60,000 votes in Ohio would have thrown the election to John Kerry). So, both parties have reason to fear the college's distortions.

That the Electoral College has “worked” in all but one election since 1888 isn't a good enough reason to stay with the status quo. The college has a perverse impact on campaigns. With no incentive to compete in states that are predictably red or blue, candidates concentrate on the battleground states—only 13 of them in 2004, down from 24 in 1960. That's not the national campaign voters deserve. In the last election, 92 percent of campaign events took place in just 13 states, which also absorbed 97 percent of advertising during the campaign's final month. Three dozen red and blue states as large as California, New York and Texas and as small as Delaware, Utah and Wyoming were mere spectators.

Now that Minnesota is a battleground getting lots of attention, it's a lot to ask the Legislature to do the right thing and endorse the new compact. But it really should. So should other states—both red and blue—join, for the sake of a better democracy.

The Sacramento Bee

Editorial: Rx for U.S. elections

States can assure the popular vote rules

Saturday, June 3, 2006

The election of the U.S. president should reflect the directly expressed will of the American people. But it doesn't.

The current Electoral College system can produce perverse results: A candidate can lose the popular vote and win the Electoral College vote and, thus, the presidency. That has happened several times in American history, most recently in 2000. With the nation so closely divided politically, this is likely to be an ongoing problem, undermining the legitimacy of our presidential elections.

It doesn't have to be that way.

Polls for the last 30 years have shown that Americans overwhelmingly support direct election of the president, but Congress hasn't budged on a constitutional amendment.

A new campaign, "National Popular Vote," spearheaded by several former members of Congress, including California's Tom Campbell (most recently Gov. Arnold Schwarzenegger's finance director), has a creative way to get the same result.

The campaign uses an old mechanism -- an interstate compact -- to achieve the direct election of the president. The idea is modeled on existing interstate compacts, such as the Colorado River Compact, which divides water among seven Western states. The compact depends on states changing their own rules for dividing up their electoral votes.

We'd prefer a constitutional amendment simply abolishing the Electoral College, but this state-by-state reform is an achievable second-best solution to a defective product that even the Founding Fathers regarded wearily and warily.

The strongest arguments at the 1787 Constitutional Convention favored direct election of the president by the people. Proponents wanted the president to be the "guardian of the people" and as independent as possible of Congress and the states. But the delegates were hopelessly divided between direct election by the people and election by Congress.

The Electoral College was a last-minute compromise, reached under what James Madison called the "hurrying influence produced by fatigue and impatience." The Electoral College has been patched many times since.

The interstate compact proposal wouldn't abolish the Electoral College, but at least it would ensure that it reflects the national popular vote.

Election officials in the compact states would award all of their electoral votes to the candidate receiving the greatest number of votes nationally.

Clearly, one state could not do this on its own. So each of the states has the same 888-word bill entering into a binding interstate compact (you can find the text at www.nationalpopularvote.com). States would join the agreement one by one. The compact would take effect only after enough states joined to represent a majority of Americans and electoral votes -- 270 of the 538 electoral votes.

So far, the bill has been introduced in five legislatures -- California, Illinois, Colorado, Missouri and Louisiana. The campaign's goal is 10 states by the end of 2006 and enough states by the end of 2007 to make direct election the governing rule for the 2008 presidential election.

In California, the Assembly approved the bill Tuesday. Because California has such strong influence nationally, the governor and senators can get this process rolling in other states by acting this session. Otherwise, in presidential elections, unhappy Americans are bound to continue paying for the Founding Fathers' fatigue.

The Fayetteville Observer

Our View: Electoral vote change would be good for the state and its people

The Fayette Observer Editorial

May 16, 2007

Four times since the framers met in Philadelphia in 1787, the presidency has gone to the candidate on the losing end of the popular vote. The republic still stands.

That's hardly a compelling argument for leaving things as they are. The Electoral College less than perfectly reflects the will of the people, and the threat of the "faithless elector" who tips an election the way his partisan bias dictates is real, if remote. Both threats would vanish if the election automatically went to the candidate for whom most registered voters pulled the lever.

This is the point at which the conversation normally would turn to amending the federal Constitution to abolish the Electoral College. But the state Senate has just passed a bill that would achieve a comparable effect by simple statute.

The bill provides that, if enough states join in to command a majority in the Electoral College, all of North Carolina's electoral votes will be awarded to the winner of the popular vote — not the statewide winner, but the one who wins nationwide. More than 40 states are already looking at substantially the same bill.

If it works as planned, the problem goes away, with no violence done to the Constitution.

Something else happens, too. North Carolina will less often find itself in political obscurity when the nation chooses its top leader.

During the 2000 election, one analyst noted that the candidates were focusing most of their time and effort on 11 swing states. Ironically, only three of those had more electoral votes than North Carolina, which was not one of the 11. If candidates understand that they have a real shot at our 15 electoral votes right up until the polls close on that fateful Tuesday in November, we are unlikely to be shrugged off or taken for granted again.

The arguments against it are no stronger than those for retaining the Electoral College in all its supreme majesty: (1) it's different; and (2) it means that North Carolina could end up giving its 15 votes to someone not favored by the majority of Tar Heel voters. The first argument lacks heft. The second would make perfect sense, but only if one could ignore the fact that presidential elections are held to enable individual Americans to put someone in the White House, not merely to express each state's collective pique or pleasure.

This is worth a try — for the sake of simplicity and fairness, and in the interest of raising our state's political profile.

Alaska State Legislature

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Senator Bettye Davis

SB 92 - National Popular Vote Interstate Compact

List of Witnesses to Testify before Senate State Affairs Committee February 2, 2010

-
- Pat Rosentiel (Present for testimony), *National Popular Vote*
 - Larry Sokol (Alternate), *National Popular Vote*
 - Barry Fadem (Alternate), *National Popular Vote*

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 2/2/09

FURTHER: Judiciary
Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: _____

State Affairs Committee considered SENATE BILL NO. 92

SB 92 U.S. PRESIDENTIAL ELECTION COMPACT

"An Act ratifying an interstate compact to elect the President and Vice-President of the United States by national popular vote; and making related changes to statutes applicable to the selection by voters of electors for candidates for President and Vice-President of the United States and to the duties of those electors."

and recommends:

- be replaced with SCS or CS _____ (_____)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

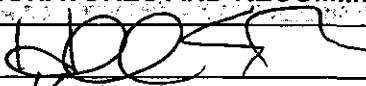
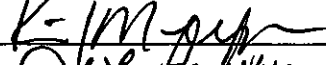
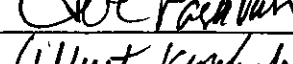
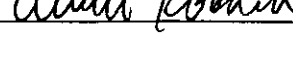
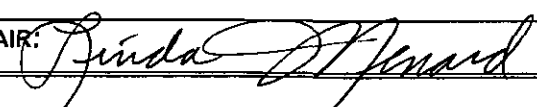
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
Elections	01/29/10			X	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	NO REC	AMEND
	French	X			
	Meyer			X	
	PASKEVICH			X	
	KOOKUN	X			
CHAIR: 	MENARD	X			