

Electing our President with National Popular Vote

The current system for electing our president no longer serves America well.

Four times in our history, the candidate who placed second in the popular vote was elected President of the United States. What's more, in 5 of the last 12 presidential elections (including 2004), a shift in a handful of votes in one or two states would have elected a second-place candidate.

The state-by-state method for choosing presidential electors divides the country into so-called "safe" states, where voters are all but ignored, while the election is determined by a relatively small number of swing voters in "battleground" states.

We need a system where everyone's vote counts equally.

Under the National Popular Vote (NPV) plan, states agree to allocate all of their electoral votes to the candidate who receives the most votes in all 50 states, but only if states with a combined total of 270 electoral votes join the agreement. Just as in every other election, every citizen's vote would count then equally.

When America's leader lacks the support of the majority of its citizens, we are a weaker country for it. The notion that some voters count more than others undermines the very principle of one-person, one-vote that democracy is based upon. Electing a second-place candidate weakens the legitimacy of our government and prevents citizens from coming together after bitter partisan battles to unite around a president who everyone agrees won the election fair and square. It contributes to the wave of cynicism and apathy which threaten the core assumptions of our republic.

At least 70% of Americans support moving a system of electing the president using the national popular vote. Common Cause is working to make that goal a reality.

The Constitution directs each state to select presidential elections however it sees fit and states have used a variety of methods for doing so throughout history. The Constitution also authorizes states to enter into binding agreements. So, states can mutually agree to use the national popular vote to choose electors within the existing constitutional framework.

National Popular Vote Ticker

<u>National Popular Vote Ticker</u>	
<i>States that have enacted NPV</i>	<i>Electoral Votes</i>
MD	10
NJ	15
IL	21
HA	4
Total	50
<i>States that have passed NPV through at least one chamber</i>	<i>Electoral Votes</i>
MA (<i>passed both chambers</i>)	12
ME	4
VT (<i>both chambers</i>)	3
WA	10
CO	9
NC	15
AR	6
RI (<i>both chambers</i>)	4
CA (<i>both chambers</i>)	55
TOTAL	118

The "Agreement Among the States to Elect the President by Nationwide Popular Vote," is a constitutional and practical way to implement nationwide popular election of the President—a goal supported by an overwhelming majority of Americans (over 70% in recent Gallup polls). The idea has been widely endorsed by major newspapers and opinion leaders across the nation. As of July 2008, it has been enacted in Maryland, New Jersey, Illinois and Hawaii. It will go into effect once ratified by states comprising a majority of the Electoral College.

Problem: Second Place Candidates Finish First

Four times in our history, most recently in 2000, the candidate who received the most votes lost the presidency. This almost happened again in 2004, when a shift in 60,000 votes in Ohio would have elected John Kerry to the White House despite a popular vote victory by George W. Bush of more than 6 million votes. A shift of a handful of votes in one or two states would have elected the second-place candidate in five of the last 12 presidential elections.

When our nation selects a leader that does not have the support of the majority of its citizens, we are a weaker country for it. The notion that some voters count more than others in choosing our President undermines the very principle of one-person, one-vote that our democracy is built upon. America deserves better, and fortunately the Founding Fathers left us with a mechanism for states to adopt a better system.

Although our current system was not the intentions of the framers of our constitution (only 3 states used it for our first presidential election), most states now allocate 100% of their electoral votes to the candidate who carries their state, even if they win by a small margin. This "winner-take-all" system artificially divides our country into red, blue, and "swing" states. Voter participation was 10 points higher in the 12 swing battleground states of 2004, which receive nearly all of the attention of the candidates, compared to the 12 safest states that are routinely ignored.

Presidential candidates have no reason to poll, visit, advertise, organize, or campaign in states that they cannot possibly win or lose. In 2004, they spent almost three quarters of their advertising money and campaign visits in just five very close states.

This problem plagues large and small states alike. Voters in "spectator states" including six of the nation's 10 most populous states (California, Texas, New York, Illinois, New Jersey, and North Carolina), and 12 of the 13 least populous states (all but New Hampshire) have no real incentive to go to the polls as their votes do not affect the outcome of the election.

Solution: Elect the President with the Popular Vote

Just as the Constitution has allowed individual states to switch to the current winner-take all system, it also allows states to collectively move to a different system. Several states have now decided to award their electors to the candidate who receives the most votes in all 50 states. But, they will only do so if other states that collectively represent a majority of the Electoral College join a legally binding agreement to do the same thing. This would guarantee that the candidate who wins the popular vote would receive at least the 270 electoral votes from those states who have joined this plan, and would then become president.

This plan for electing the president by national popular vote was proposed on February 23, 2006 by a commission that included former Congressman John Anderson (R-Illinois and Independent presidential candidate) and John Buchanan (R-Alabama), former Senator Birch Bayh (D-Indiana), former Common Cause President Chellie Pingree, FairVote Executive Director Rob Richie,

National Popular Vote President Barry Fadem, and Dr. John R. Koza, originator of the plan.

Among its benefits:

- * The National Popular Vote would make all votes equal.**
- * It would bring candidates to every state and make them listen to everyone's concerns.**
- * It would give voters in all states, regardless of party affiliation, an incentive to vote in presidential elections and would help build voter turnout efforts in all states.**
- * It would rid the nation of falsely polarized red and blue election night maps.**

How the National Popular Vote Proposal Would Work

States currently have the power to award their electors to the winner of the national popular vote, although this would be disadvantageous to the state that did this unless it was joined simultaneously by other states that represent a majority of electoral votes. Hence the National Popular Vote plan is an interstate compact—a type of state law authorized by the U.S. Constitution that enables states to enter into a legally enforceable contractual obligation to undertake agreed joint actions, which may be delayed in implementation until a requisite number of states join in. There are more than a thousand interstate compacts, and each state in the United States belongs to dozens of them. The U.S. Supreme Court has authorized electoral compacts in "dicta" and several other electoral compacts have been proposed in the past.

Under the National Popular Vote plan, the compact would take effect only when enabling legislation has been enacted by states collectively possessing a majority of the electoral votes—that is 270 of the 538 electoral votes.

Once effective, states could withdraw from the compact at anytime except during the six-month window between July 20th of an election year and inauguration day (January 20th).

To determine the National Popular Vote winner, state election officials would simply tally the nationwide vote for President based on each state's official results. Then, state elections officials in all states participating in the plan would choose electors sworn to support the presidential candidate who received the largest number of popular votes in all 50 states and the District of Columbia.

The winner would receive all of the compacting states' electoral votes plus additional electoral votes from whatever non-compacting states happened to be carried by the nationwide winner. Thus, in practice, the presidential candidate receiving the most popular votes nationwide would typically receive about three-quarters of the electoral votes.

Other Benefits of the National Popular Vote Plan

Accountability: Because the National Popular Vote's plan would create a supermajority for the national popular vote winner, it would reduce the unlikely possibility of faithless presidential electors.

Finality: The supermajority of delegates under the National Popular Vote plan would also eliminate the possibility of a presidential election being thrown into the House of Representatives (where each state would have one vote) and the vice-presidential election being thrown into the U.S. Senate because of a tie vote among electors.

Accuracy and Security: With a single massive pool of 122,000,000 votes, there is less opportunity for a close outcome or recount (and less incentive for fraud) with National Popular Vote than with 51 separate smaller pools, where a few hundred popular votes can decide the presidency. For example, President Bush was a decisive 3.5 million votes ahead of John Kerry a majority of the electoral votes. Similarly, the disputed 2000 presidential election was an artificial crisis created by

Bush's 537-vote lead in Florida in an election in where Gore had a 537,179-vote lead nationwide (1,000 times greater).

Nationwide Popular Elections Give Small States a Bigger Voice

Hawaii has enacted the NPV plan and it has passed both houses in Vermont, both houses of Rhode Island, and one house in Maine and Arkansas.

These smaller states have realized that despite their mathematic overrepresentation, the they get no real advantage from the current system of electing presidential candidates. Nor do they favor a single political party. In fact, 12 of the 13 smallest states are completely sidelined in presidential elections because they are politically non-competitive. Idaho, Montana, Wyoming, North Dakota, South Dakota, and Alaska regularly go Republican, and Rhode Island, Delaware, Hawaii, Vermont, Maine, and DC regularly go Democratic. These 12 states together contain 11 million people and have 40 electoral votes. Ohio has a comparable 11 million people and has "only" 20 electoral votes, but the 11 million people in Ohio have significantly more influence in presidential elections than the 11 million people in the 12 non-competitive small states. Nationwide election of the President would make each of the voters in the 12 smallest states as important as an Ohio voter. In fact, the vote of every person in the United States would become equally important under the proposed compact.

Small states are well aware of the illusory nature of their electoral bonus and have supported previous attempts to change the system. A group of small states led by Delaware (plus several other larger states) even sued New York (then a battleground state) in the U.S. Supreme Court in 1966, arguing that New York's use of the winner-take-all method for choosing its electors effectively disenfranchised voters in their states.

National Popular Election Means a Rural and Urban Campaign in All 50 States

While some have predicted that a national popular election would focus only on big cities, it is clear that this would not be the case. Evidence as to how a nationwide presidential campaign would be run can be found by examining the way presidential candidates currently campaign inside battleground states. Inside Ohio or Florida, the big cities do not receive all the attention, and they certainly do not control the outcome. Because every vote is equal inside Ohio or Florida, presidential candidates avidly seek out voters in small, medium, and large towns. The itineraries of presidential candidates in battleground states (and their allocation of other campaign resources) demonstrate what every gubernatorial or senatorial candidate in every state already knows—namely that when every vote matters, the campaign must be run in every part of the state.

Common Cause is a nonpartisan, nonprofit advocacy organization founded in 1970 by John Gardner as a vehicle for citizens to make their voices heard in the political process and to hold their elected leaders accountable to the public interest.