**THE NATIONAL POPULAR VOTE**

**INTERSTATE COMPACT**

**REBUTTAL RESOURCE BULLET LIST**

**June 2020 EDITION**

**PROGRESS REPORT:**

NPV currently has a membership of 16 voting jurisdictions (15 states plus D.C.) equaling 196 of the 270 electoral votes required to set the legislation in motion. Four states (Colorado, New Mexico, Oregon and Delaware) enacted NPV in their 2019

**REBUTTAL BULLET POINTS MAY BE USED AS THEY ARE, OR MODIFIED TO COMPOSE:**

* Opinion pieces, letters to the editor, emails, texts, phone-banking scripts or any other medium for educating the public and state legislators.
* Responses for participating in the public comments portion of legislative committee hearings and/or to rebut faulty remarks of previous witnesses in those hearings.

Go to: [www.nationalpopularvote.com](http://www.nationalpopularvote.com) to watch 5-10 minute NPV myth-busting explainer videos and download for free the book by John Koza: “Every Vote Equal.” (Chapter 9 contains more detailed information about the arguments covered here and chapter 6 contains the 888-word text of the National Popular Vote Interstate Compact.)

On Twitter, follow @NatlPopularVote to stay up-to-date on current NPV news and events. Search for #NPV101 to learn responses to the most common misunderstandings about the winner-take-all system that currently dominates the U.S. Electoral College.

**HOW NPV WORKS**….………………………………………………..…………p.1

**CONSTITUTIONALITY** part 1…………………………………………………p.2

* Without An Amendment
* Faithless Electors

**CONSTITUTIONALITY** part 2…………………………………………………p.3

* Abolish The Electoral College
* Approval Of Congress
* Founding Fathers
* End-Run

**BIG CITIES/BIG STATES vs. RURAL INTERESTS** part 1….………….…p.4

* Smaller States vs. Rural Interests
* Big State Domination

**BIG CITIES/BIG STATES vs. RURAL AREAS** part 2.……………...….……p.5

* Big City Domination
* Current System Protects All Interests

**SORE LOSER/NONPARTISAN** part 1………………………………..……..…p.6

* Favors Democrats
* Al Gore/Hillary Clinton Would Have Won
* Only Democrats And Liberals Support NPV *(continued next page)*

**SORE LOSER/NONPARTISAN** part 2…………………..……………….……p.7

* Only Democrats And Liberals Support NPV *(continued)*

**PROCEDURES**….…………………………………………………………......……p.8

* Logistical Nightmare
* Withdrawal of States
* Infringes on Non-Member States
* Current System Best

**RECOUNTS/FRAUD**….……………………………………………………….…p.9

* Recounts Isolated
* Fraud/National Security

**DISENFRANCHIZEMENT**….……………………………………………..……p.10

* Plurality vs. Majority Winners
* Voters in Minority
* Participation
* Congressional District Method

**DEMOCRACY/REPUBLIC/MOB RULE/FEDERALISM** …………………p.11

* Democracy vs. Republic
* Mob Rule
* Federalism (States Rights/Sovereignty)

**HOW NPV WORKS** *(various versions)* 1

A METHOD STATES MAY CHOOSE

* The Founders set up the College to be reformed without an amendment by giving states the exclusive power to determine how to appoint their electors. The National Popular Vote Interstate (NPV) Compact, just like state-winner-take-all, is a method states may choose when exercising that power. The difference between the two is simple: winner-take-all calls for the appointment of electors who support the popular vote winner in their state - NPV calls for the appointment of electors who support the popular vote winner in the entire nation (but only after states equaling 270 electoral votes have joined the NPV Compact.)

IF YOU VOTE FOR PRESIDENT

* The National Popular Vote Interstate Compact (NPV) is state-by-state legislation that goes into effect when states equaling the minimum 270 electoral votes required to win the presidency have signed on. In the following general election, these NPV member states will appoint electors who support the *nationwide, not statewide* popular vote winner. If you vote for president (no matter where you live) you’re part of the national popular vote and that will be the vote that elects the president. For the first time in American history, the nation, as if one voting district, will choose the winner for the presidency, our one national office.

PIECE OF CAKE

* In the first presidential election after NPV member states have achieved at least 270 electoral votes (the minimum required to win the presidency,) the electors of those states will be chosen from the party of the national winner, not the statewide winner. When that happens, votes will be tallied with others of the same affiliation across the country. If a candidate gets the most votes nationwide, then she or he wins, if not, then he or she loses. Piece of cake.

IN A SQUEAKER

* On the first election night after NPV reaches the 270 electoral votes required to win the presidency, participating states agree to hold off awarding their electors until the number of votes counted nationwide is so overwhelmingly in favor of one candidate, the remaining votes won’t be sufficient to change the outcome. NPV states will then appoint electors from the party of the nationwide winner to cast their states’ electoral votes. In a squeaker, even Hawaii or Alaska could make a difference. No more turning off TV’s and going to bed after Florida is called.

WHERE YOU VOTE WON’T MATTER

* When the National Popular Vote Interstate Compact reaches the threshold of 270 votes, the minimum required to win the presidency, those states agree to appoint electors not from the party of their statewide winner, but of the party of the nationwide winner. A vote in Deer Lodge, Montana will suddenly become as relevant as a vote in Miami, Florida. Candidates will go everywhere to get the votes they need during the battleground-nation campaign. For the first time in American history, big states, small states, big cities, small cities, rural communities everywhere - where you vote won’t matter, *that* you vote will.

**CONSTITUTIONALITY** part 1 2

WITHOUT AN AMENDMENT

* The Founding Fathers set up the Electoral College to be reformed without an amendment: *Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors*… (Article 2, Section 1.) This right to determine for themselves the method of choosing their electors is a sovereign right of the states unassailable by the federal government. When legislatures choose to replace state-winner-take-all with NPV, they are simply exercising their right as prescribed by the Constitution.
* Since NPV doesn’t change the Constitution, an amendment isn’t necessary. It is a state law seeking to replace another state law known as winner-take-all that says the candidate with the most popular votes within a state takes all of its electoral votes. The Electoral College and winner-take-all laws are not the same thing. The former is part of the Constitution; the latter is not.
* Winner-take-all replaced earlier state laws governing how to appoint electors in the1800’s, but since it’s been around so long, most people think it’s part of the Constitution. It’s not. The Constitution gives states the exclusive right to decide how to pick their electors, just as they did when they passed winner-take-all, and just as they will when they enact NPV.
* Not just NPV, but nearly all the major reforms concerning U.S. presidential elections have been initiated at the state level - not by way of an amendment. These include:
* Permitting the people to vote for President
* Abolition of property qualifications for voting
* Black male suffrage
* Direct election of U.S. Senators
* Women’s suffrage
* The 18-year-old vote
* Currently, there are two states that have legally changed their manner of appointing electors without an amendment: Maine and Nebraska. They use the Congressional District Method. National Popular vote is just another method from which states may choose.

FAITHLESS ELECTORS

* Each political party registered to run a presidential candidate in a state chooses its own set of electors, so only the electors of the same political party as the candidate who wins the most votes nationwide will cast their votes at the appropriate time. No arm-twisting required.
* There has never been a practical problem with faithless electors, even in the 2016 presidential election. When a record breaking ten members of the Electoral College voted for a candidate different from whom they were pledged to vote, all of those votes were eventually invalidated by their respective states.
* Electors under NPV won’t be voting against the wishes of their state, because there’s not a single state in which voters march in lock step to vote 100% for one candidate. What is true however is that in any state, flyover or battleground, a significant number of voters are disenfranchised election after election simply because they voted in the minority and their votes were left behind state lines and not allowed to with others of the same affiliation across the country.

**CONSTITUTIONALITY** part 2 3

ABOLISH THE ELECTORAL COLLEGE.

* The National Popular Vote Interstate Compact (NPVIC) doesn’t seek to abolish the Electoral College because it can’t function without it. What NPV does do however, is seek to replace the winner-take-all laws that direct electors to cast all of their state’s electoral votes for the winner in that state. And it does it in exactly the same way that winner-take-all laws did it in the 1800’s, by replacing an earlier law state law with another.

APPROVAL OF CONGRESS

* The Compact Clause (Article 1 Section 10 Clause 3) of the Constitutional states that "No State shall, without the Consent of Congress... enter into any Agreement or Compact with another State." However, the Supreme Court came to the conclusion three times - in 1893, 1976 and 1978, that Congressional approval is not required as long as a compact doesn’t encroach on federal sovereignty. In the 1978 decision\* the court stated:
* *“The dissent appears to confuse potential impact on federal interests with threats to federal supremacy. Absent a threat of encroachment or interference through enhanced state power, the existence of a federal interest [in a compact] is irrelevant. Indeed, every state cooperative action touching interstate or foreign commerce implicates some federal interest.”*

 \*U.S. Steel Corporation v. Multistate Tax Commission

FOUNDING FATHERS

* While the Electoral College *was* designed by the Founders, its current winner-take-all system was not. It wasn’t even debated at the 1787 Constitutional Convention nor mentioned in the Federalist Papers. In fact, winner-take all didn’t become dominant until long after all the Founders were dead.
* The Founders set up the College to be reformed without an amendment by giving states the exclusive power to determine how to appoint their electors. NPV, just like winner-take-all, is a method states may choose when exercising that power. The difference between the two is simple: winner-take-all calls for the appointment of electors who support the popular vote winner in their state - NPV calls for the appointment of electors who support the popular vote winner in the entire nation.
* The control of the Electoral College by winner-take-all laws is the result of the efforts of the original sore loser: Thomas Jefferson. In 1796, he lost the election he would have won had winner-take-all been in place in his two strongholds of Virginia and North Carolina. Realizing these laws could maximize the power of a state’s dominant political party by making it extremely difficult for rival parties to compete, he encouraged leaders in other states to enact them and by 1880, winner-take-all had been universally adopted.

END-RUN/SNEAKY

* NPV is accused of performing an end-run around the Constitution. If so, then winner-take-all laws before it did too. By the 1880’s, they had replaced earlier state laws that previously appointed a state’s electors by popular statewide vote, by congressional districts elections or by the state legislature.
* There’s nothing clever or sneaky about enacting one state law to replace another one. The enactment of the National Popular Vote bill by a state legislature is a precise exercise of existing and exclusive state powers under the U.S. Constitution, just as the adoption of winner-take-all was before it.

**BIG CITIES/BIG STATES vs. RURAL AREAS** part 1 4

SMALLER STATE vs. RURAL INTERESTS

* The Electoral College doesn’t protect the interests of smaller states because even if a vote in Wyoming is worth almost 4 times one in California, it doesn’t matter since currently a candidate never goes to either state. The only states whose interests are protected, either big like Florida or small like New Hampshire, are those of the 10-12 battleground states where the votes are unpredictable. They get all the attention during the critical period between the nominating conventions and election night, and all the perks after the election is over.
* Battleground states were created by the current winner-take-all system that dominates the Electoral College and it’s these 10-12 states that drown out the voices of the other 38-40 states in our country. Within battleground state borders, winner-take-all inflates the power of a relatively small number of votes that can flip the electoral strength of an entire state. They steal the relevancy away from the other 38-40 states, big or small, that are safely ignored and aptly named: flyover states, spectator states or safe states.
* States don’t vote in elections, it’s their people that do, so no state has a single identity to lose because 100% voters never march in lock step to cast ballots for one candidate. What is true however is that in any state, flyover or battleground, a significant number of voters are disregarded simply because they voted in the minority.
* If the current Electoral College system of winner-take-all protects smaller state interests, why then, in 2016, did Iowa (after primary season), with 3 million people, a strong rural component and six electoral votes (all like Utah), get 21 campaign events and Utah only one? Why did New Hampshire with just 4 electoral votes get 21 events while Rhode Island, Hawaii, Idaho, all with 4 electoral votes, got zero campaign events? Because any power smaller states gained under the original system has been lost to unpredictable battleground states, of any size.
* US census data shows just as many people live in rural areas around the country as metro areas, lower-density areas won’t and can’t be ignored, especially since precious campaign dollars go significantly further in lower-density areas.

BIG STATE DOMINATION

* Slightly more than half of the country lives in the 12 biggest states, but those states could never dominate an election unless you make the completely unrealistic assumption that ALL of those states would vote 100% in favor of one candidate. Can you imagine for instance, the same candidate getting 100% of the vote in both California and Texas? No candidate, Republican or Democrat, has won more than 63% of the popular vote in any of the entire 12 states in any election since 1988.
* Ten to 12 states already dominate the election right now under the current winner-take-all system. Those are the battleground states, big like Florida (29 electoral votes) and small like New Hampshire (4 electoral votes), whose votes are up for grabs, and who leave the 38 other states (3/4 of the country) ignored during presidential elections and out in the cold when it comes to presidential pork after the election.
* Smaller states are every bit as powerful in presidential elections as bigger states. In the 2004 election between George W. Bush and John Kerry, it was the 38 smaller states that gave Bush the 2004 popular vote victory, not the 12 biggest states. In a popular vote, it’s the candidate not the party that makes the difference.

**BIG CITY, BIG STATE DOMINATION** part 2 5

BIG CITY DOMINATION

* U.S. Census data shows that big cities aren’t as big as people think. Only 15% of the country lives in the 100 biggest metro centers and although these cities vote mainly Democratic, they are balanced out by the 15% of the country that lives in rural areas that votes mostly Republican.The remaining 70% percent lives in between rural areas and cities, and their political affiliation is evenly split between both major parties. No candidate will be able to ignore the 85% of the population that lives outside of big cities and expect to win a NPV presidential election.
* Big cities can’t even dominate their own states (California elected Republican governors Ronald Reagan, Pete Wilson and Arnold Schwarzenegger without ever winning Los Angeles, the 2nd biggest city in the nation.) Conservative Texas contains the liberal-leaning cities of Houston (4th largest city in the nation) and Austin (11th biggest in the country). In Utah, one of the most conservative states in the union, Salt Lake City voters have consecutively elected Democrat mayors since 1976. If big cities can’t control their own states, how could they control an election nationwide?

CURRENT SYSTEM PROTECTS ALL INTERESTS *(continued next page)*

* Under the current Electoral College winner-take-all system, when candidates and their campaign managers plan routes to the presidency, they look at a map of the United States and simply take for granted every state that’s predictable, zeroing in on those that aren’t: 10-12 battleground states where all the candidates, their surrogates, money and promises go. The election for the only national office we have is determined not by the entire nation, but by a handful of fickle states with overblown electoral power that the other states surrender to them by keeping winner-take-all to elect the president.
* Winner-take-all forces candidates to ignore three-quarters of the nation because it makes no sense for candidates to spend precious campaign time and money where they are sure to win, or sure to lose; and it doesn’t matter the size of the state. California is just as ignored as Wyoming; Texas is just as ignored as Hawaii.
* In 2016, more than half of the country was completely ignored as two-thirds of the general-election campaign events were in just 6 states (Florida, North Carolina, Pennsylvania, Ohio, Virginia, and Michigan). 94% of the 2016 events were in just 12 states. Examples of how winner-take-all advantages battlegrounds are:
* FLORIDA: 2003 - Medicare Part D was biggest expansion of Medicare since its inception, to win over retirees living in the biggest battleground state. In 2017, Florida was the only coastal state to receive exemption from the current expansion of offshore drilling.
* OHIO: 2002 - No Child Left Behind was created to win suburban voters in 2nd biggest battleground state. It was the largest federal intrusion into state education programs in 50 years.
* PENNSYLVANIA, MICHIGAN, WISCONSIN: 2017 - Proposal to end NAFTA was driven by rust belt politics and was the largest departure from free trade policy in over 25 years.
* ALL BATTLEGROUND STATES are twice as likely to get natural disaster declarations and twice as likely to get exemptions from Federal regulations Receive more Federal grants and monies.

**SORE LOSER/NONPARTISAN** part 1 6

CURRENT SYSTEM PROTECTS ALL INTERESTS *(continued)*

* Because battleground state voters can’t make up their minds during presidential elections (voting majority Republican one cycle and Democratic another), they have candidates crawling all over the place, spending money and making promises. But as their demographics shift to single party dominance, candidates will lose interest in them, because why go there if you’re sure to win or lose?
* By signing on to NPV, battleground states assure that their conservative side (and every other side) will always be relevant in nationwide popular votes for president, because where you vote won’t matter.
* A popular vote would not favor either party. The United States is politically an evenly divided country. The nationwide vote for the two parties, while swinging back and forth over the decades, cumulatively since 1932, has been virtually tied. Currently, Democrats are slightly in the lead, but over this same period, Republicans have won slightly more that 50% of the national popular vote. When looked at over the long term, it’s always been a neck and neck race.
* Electoral College or National Popular Vote, neither system favors either party:
* A county-by-county study performed by the Oklahoma Weather Lab at the University of Oklahoma, indicated sunnier weather in 2000 would have flipped electoral votes for Al Gore in Florida.
* In 2004, a shift of 59,393 votes in Ohio would have elected John Kerry despite President Bush’s nationwide lead of over 3,000,000 votes.
* In 2012 a shift of 214,393 votes would have elected Mitt Romney despite President Obama’s nationwide lead of almost 5,000,000 votes.

AL GORE/HILLARY CLINTON WOULD HAVE WON

* The 2000 and 2016 elections would not have been the same elections under a National Popular Vote. Candidates would have campaigned differently and have said as much. It’s possible we may have ended up with different candidates if political parties knew they needed to appeal to a broader swath of the nation, not just battleground states.
* NPV is not a reaction to the last election, but its profile has certainly been raised by it. It has been working its way across the country since 2006. The movement was begun by a group of three Republicans and three Democrats that analyzed U.S. Census and election data to show that a national popular vote would advantage the entire country by giving previously ignored flyover states their fair share of campaign activities and hence the influence and financial benefits that come from it.

ONLY DEMOCRATS AND LIBERALS SUPPORT NPV*(continued next page)*

* People on the political spectrum as far to the right as former Republican Leader of the house, Newt Gingrich, and as far on the left as former Democratic National Committee, Howard Dean, have endorsed NPV.
* Well-known conservative politicians that have endorsed NPV include former U.S. Senator from Kansas and 1996 presidential candidate Bob Dole, former U.S. Representative from Kansas Bob Barr and former Senators from Utah, Bob Bennett and Jake Garn. In 1969, Texas Sen. George H.W. Bush (later the 43rd president of the United States) expressed support for a national popular vote..

**SORE LOSER/NONPARTISAN** part 2 7

ONLY DEMOCRATS AND LIBERALS SUPPORT NPV *(continued)*

* **Rachel Alexander, a conservative commentator** ranked by right wing news as one of the 50 Best Conservative Columnists from 2011-2017 and recipient of Americans for Prosperity’s RightOnline Activist of the Year award, wrote in her 12/11/17 [column](https://townhall.com/columnists/rachelalexander/2017/12/11/surprisingly-republicans-and-conservative-shouldnt-fear-a-national-popular-vote-n2421009%22%20%5Ct%20%22_blank) for the online publication *Townhall*:
* "Clinging to the winner-take-all system is a losing strategy for Republicans.  It is better to take our chances with a direct presidential election than suffer certain defeat with the unfair, outdated, flawed current system that can and should be reformed."

"Voter fraud will become more difficult under a National Popular Vote, because crooked party operatives will no longer be able to focus their efforts on just a handful of states, and the windfall of electoral votes for their illicit efforts will be smaller."

* **James Glassman, a former Connecticut Republican** and high-ranking state department official under George W. Bush, remarked in the 2/21/18 CT NewsJunkie article:
* “Surveys show that politically the country is slightly right of center,” NPV would “be beneficial to Republicans.”
* “Right now the presidential election is decided in 10-to-12 of the bigger states...If you vote in Connecticut, your vote doesn’t count.”
* **Matt Vespa, conservative columnist** and recipient of Americans for Prosperity Foundation's 2013 Andrew Breitbart Award for Excellence in Online Activism and Investigative Reporting, wrote in his 8/10/17 [column](https://townhall.com/columnists/mattvespa/2017/08/10/could-the-national-popular-vote-interstate-compact-reduce-bad-policy-making-in-ou-n2366865%22%20%5Ct%20%22_blank) for the online publication *Townhall*:
* "If this [NPV] were to occur, conservatives in New York and California, who have been hiding in the bunker for decades, would be incentivized to turn out and vote."
* "This is probably the most compelling part of the NPV compact: it could curb the proliferation of bad national policies that are drummed up to win elections. Under the NPV, the Republican Party can run a hardcore conservative campaign."

**Donald J. Trump:**

* In 2012 on Twitter, said,"The Electoral College is a [disaster for a democracy](http://thehill.com/blogs/twitter-room/other-news/266423-trump-calls-for-revolution-blasts-electoral-college%22%20%5Ct%20%22_blank)... A total sham and a travesty."
* Shortly after the 2016 election, on November 13th, during Sixty Minutes, President-Elect Trump said,"I would rather see it, where you went with simple votes. You know, you get 100 million votes, and somebody else gets 90 million votes, and you win. There’s a reason for doing this, [Because it brings all the states into play.](http://time.com/4571185/donald-trump-hillary-clinton-popular-vote/%22%20%5Ct%20%22_self)"
* In the July 2017 Boy Scout Jamboree Speech, "And you know we have a tremendous disadvantage in the Electoral College -- [popular vote is much easier](https://www.vox.com/2017/7/25/16024928/trump-boy-scout-jamboree-speech%22%20%5Ct%20%22_self)."
* On October 11th 2017, on Fox News, [I'd rather have a popular vote. For me, it's easier](https://factba.se/search%22%20%5Cl%20%22popular%2Bvote%22%20%5Ct%20%22_self).

**PROCEDURES** 8

LOGISTICAL NIGHTMARE

* There would be no election night logistical nightmare associated with NPV, because the systems required to accurately count a national popular vote are already in place in each state. A state-by-state tally is already part of the procedure and should involve no difficulty barring that simple addition is not beyond the skill set of state election officials.
* Results of popular vote totals are the first totals known, that’s how states are called on election night in the first place. It’s only extremely close races in battleground states that cause delays to verify small numbers of disputed votes.
* It was the inability to perform a recount in Florida in 2000 in a timely manner, under the current system that kept the country in suspense for 10 weeks until the Supreme Court stepped in. That was due to a mere 537 disputed votes. In a nationwide total of over 130 million votes, a like number of disputed votes would have no effect at all on the final outcome and would never initiate a nationwide recount.

WITHDRAWAL OF STATES

* States CAN withdraw from NPV, but only in accordance with the Compact’s terms, because as stipulated in the Constitution’s Impairments Clause (sometimes called the “Contracts Clause”) Article 1, section 10, clause 1: A compact is a contract. The occasional attempts by states to evade their obligations under interstate compacts have consistently been rejected by both state and federal courts.
* In the NPV Interstate Compact, states are prohibited from withdrawing during a 6-month “blackout” period ranging from the national nominating conventions to inauguration day. This prevents withdrawal in the midst of the presidential election process and, in particular, during the especially sensitive period (approximately 35 days) between Election Day in early November and the meeting of the Electoral College in mid-December.

INFRINGES ON NONMEMBER STATES

* NPVIC doesn’t tell non-member states what to do. They will continue to choose their electors using winner-take-all if that’s what makes sense to them.
* No national election code is necessary with NPV, in fact the Constitution gives states the right to control elections in their states. To enforce a national code? That’s what would need a Constitutional amendment, not NPV.

CURRENT SYSTEM BEST

* The 2016 election made it crystal clear that the current system is forever broken, because even within state borders, it is no longer necessary to reach out to voters in every part of that state. 2016 was won by intentionally targeting critical counties within the battleground states of Michigan, Pennsylvania, and Wisconsin. In doing so, a relatively small number of votes (less than 76,000 or just under .06% of all ballots nationwide) flipped the electoral votes of these states and the presidency was won by the “legal” gaming of the winner-take-all system. Now that this type of surgically targeted campaign strategy has proven effective, and impressively less expensive, it will likely be the way all future presidential campaigns will be run under the Electoral College winner-take-all system. And why not? It saves time, money and all that hassle of listening to as many voters as possible.

**RECOUNTS/FRAUD** 9

RECOUNTS ISOLATED

* The current state-by-state winner-take-all system doesn’t isolate recounts, it promotes them. Recounts loom over each of the 10-12 closely contested battleground states in every presidential election cycle because of the small number of votes it takes to flip a battleground state and the change the outcome of an entire election. Just 537 popular votes in Florida in 2000, 115 votes in Hawaii initiated recounts resulting in conclusions still argued about today.
* In every presidential election, the first results known are those of the popular vote. That’s how states are called one way or the other on election night. It’s only extremely close races in battleground states that cause delays in order to check a relatively small number of disputed votes. In a nationwide total of over 130 million votes a like number of votes would have no effect at all on the final outcome.
* There have been five litigated state counts in the nation’s 58 presidential elections under the current state-by-state winner-take-all system. That’s about 1 in every 12 presidential elections. Yet almost every other election in the country is by popular vote and in the 4072 statewide popular vote elections between 2000 and 2012, there were only 22 recounts, that’s a dispute rate of 1-in-185. One in 12, or one in 185: which odds would you prefer in a game of election night Russian roulette?
* Under the current system, landslide elections have become a thing of the past. In two out of the last eight presidential elections, (4 won by Republicans, 4 by Democrats and none considered landslides) the Electoral College and the popular vote diverged. A one-out-of-four failure rate is statistically significant and the more it happens, as non-landside elections become the norm, the more divided the country becomes.

FRAUD/NATIONAL SECURITY

* It’s not hard at all to predict where stolen votes will matter. They will matter where a small number of votes can have the greatest impact: closely divided battleground states. So under the current state-by-state winner-take-all system, those who wish to commit fraud or suppress votes, know exactly where to go to attempt to sway the national outcome. In a national popular vote, where the pool of votes could be as much 137 million (like 2016) the number of fraudulent or suppressed votes required to effect a national outcome, would be so great, they couldn’t go undetected.
* Winner-take-all puts a bull’s eye on every battleground state, signaling to bad actors that “this is the place” for election meddling because a relatively small number of disputed votes (537 in Florida 2000 and 115 in Hawaii 1960) can change the outcome of an entire election.
* [In 2018 testimony,](https://www.npr.org/2018/03/21/595305722/senators-hold-election-security-hearing-after-releasing-recommendations-for-2018%22%20%5Ct%20%22_self) before the Senate Intelligence Committee, former heads of the Department of Homeland Security (Republican Kirstjen Nielsen and Democrat Jeh Johnson) agree the current winner-take-all system is a risk to national security:
* *“Swing states, and even individual precincts within those states, present a significant point of vulnerability when it comes to the threat of election interference because of their potential to impact the result in a presidential race,” NPR reported. “The reality is: Given our Electoral College … national elections are decided in this country in a few precincts, in a few key swing states,” said Johnson. “The outcome, therefore, may dance on the head of a pin.”*

**DISENFRANCHIZEMENT** 10

PLURALITY vs. MAJORITY WINNERS

* U.S. election history reveals there is no evidence that a candidate could win a National Popular Vote with only the 15% of the population that lives in the country’s 50 largest cities. The candidate who won the presidency with the smallest plurality in a presidential election history was arguably the most beloved of all: Abraham Lincoln. In a field of five candidates, he won with only 39% of the popular vote, but better than any of the others.
* That candidates aren’t required to win a simple majority (over 50%) under NPV is an argument starting from a false premise, as they aren’t required to win a simple majority of the popular vote under the current system. In fact, some proponents of the current system seem to be quite satisfied that five winners of the presidency (two in the last four elections) received fewer votes nationwide than the loser.

VOTERS IN MINORITY

* Electors under NPV won’t be disenfranchising the voters of their state, because there’s not a single state in which voters march in lock step to vote 100% for one candidate. What is true however is that in any state, flyover or battleground, a significant number of voters are disenfranchised election after election simply because they voted in the minority and their votes were left behind state lines and not allowed to pool with others of the same affiliation across the country.
* In the 2016 presidential election, around 36% of California voters didn’t vote for the Democrat; in Texas, about 46% didn’t vote Republican and in Utah, one of the most conservative states in the union, 54% of the electorate didn’t vote Republican. Because the single candidate with the most votes in Utah (46%) was Republican, a minority of the state’s voters determined the awarding of all of the state’s electors.
* It’s under the current winner-take-all system of the Electoral College, that Republican voters in blue states, and Democratic voters in red states have been abandoned by their party’s leadership, simply because they don’t live in battleground states.
* Flyover, spectator, ignored, safe - whatever name you give non-battleground states, they are now disenfranchised under winner-take-all. After the nominating conventions, candidates don’t go to these states, their issues aren’t heard and are rarely considered after the election, when new policies are shaped.
* Under National Popular Vote, instead of battleground states, we will have a battleground nation. Candidates, their surrogates and their campaigns will go everywhere to garner as many votes as they can because every vote in Deer Lodge, Montana will be just as powerful as every vote in Miami, Florida.

PARTICIPATION

* It is a fact that voter registration and voter turnout (of all party affiliations) go up in battleground states because people know their votes will matter. Money donated to political campaigns stays in local communities to develop voter registration and turnout. In 2012 and 2016 battleground states had turnout rates 11-12% above the national rate. When people know their votes matter, they vote.

CONGRESSIONAL DISTRICT METHOD (CDM)

Currently in use by Maine and Nebraska, CDM awards 2 electoral votes for the popular vote winner in the state and remaining electoral votes to the winner in each voting district. In computer modeling by FairVote.org dubbed[“Fuzzy Math,”](https://www.fairvote.org/fuzzy-math%22%20%5Ct%20%22_blank) CDM was applied nationwide for the 2012 election between Mitt Romney and Barack Obama. Because of heavily gerrymandered states, the inequity in voter representation was exacerbated to the point where Romney won the electoral vote despite Obama’s 5 million nationwide popular vote victory. Under a national CDM, could the electoral and popular vote split become the norm?

**DEMOCRACY/REPUBLIC/MOB RULE/FEDERALISM**  11

DEMOCRACY vs. REPUBLIC

* A “pure” or “direct” democracy, James Madison wrote in the Federalist Papers, is where “…the people meet and exercise the government in person; in a republic, they assemble and administer it by their representatives and agents. A democracy, consequently, will be confined to a small spot [city, county, state referendum or initiatives]. A republic may be extended over a large region” [the entire country.]
* In the world today, only one country - Switzerland - is what’s called a semi-direct democracy. It utilizes referendums and popular initiatives in coordination with federal administration to initiate new laws and changes to old ones. A cumbersome but workable system for a country of 8 million, but impractical for a country like the U.S. with 260 million residents.
* Under a National Popular Vote, the country will remain a republic as per Madison’s definition. The people will “assemble” and vote for a candidate as their “representative” to administer the duties of a federal commander-in-chief in all responsibilities foreign and domestic.

MOB RULE

* If voters in a national popular vote for president constitute a mob, why doesn’t that make voters in the current winner-take-all statewide popular vote for president a mob as well? And why are the mobs in battleground states somehow okay and mobs in flyer-over states are not?
* If a mob of 51% dominating the other 49% is a bad thing, wouldn’t that make a mob of .04% dominating the other 99.06% a catastrophe? In 2016, just .04% of the total electorate (less than 76,000 voters) in Pennsylvania, Wisconsin and Michigan, flipped those states electoral votes and determined the presidency for almost 137 million voters across the nation.

FEDERALISM (States Rights/Sovereignty)

* In fact, the National Popular Vote Interstate Compact enhances state, not federal power through an exercise of the principles of federalism: it constitutes action by certain state governments to solve a recognized problem (that of being ignored during the last critical months of a presidential campaign), *and* to exercise a power explicitly granted to the them by the U.S. Constitution in Article II, Section I, Paragraph II: the exclusive right to decide how to award their electors.
* State sovereignty will be enhanced, not diminished under a NPV, because to win votes, candidates will be forced to campaign in every state and listen to issues in every state. It will no longer be possible to win elections by catering to the local issues of just 10-12 battleground states. Under a NPV, getting the most votes everywhere will be the priority. Ignoring ¾ of the country will no longer be an option in presidential elections.
* NPV is a two-for-one deal because it makes voters all over the country matter, which makes the states they live in matter too. Previously ignored during presidential elections, flyover states will get the ear of the future president (and a say in foreign and domestic policies) because where there are votes to be had, there are candidates to be found. Period.