



July 10, 2008

“Agreement Among the States to Elect the President by National Popular Vote”

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 National Popular Vote bill has been enacted by Hawaii, Illinois, New Jersey, and Maryland. These four states possess 50 electoral votes — 19% of the 270 necessary to bring the law into effect. The bill has passed 20 state legislative chambers, including one house in Arkansas, Colorado, Maine, Massachusetts, North Carolina, and Washington, and both houses in California, Hawaii, Illinois, New Jersey, Maryland, Rhode Island, and Vermont.

The bill is currently endorsed by 1,027 state legislators — 439 sponsors (in 47 states) and an additional 588 legislators who have cast recorded votes in favor of the bill.

The shortcomings of the current system stem from the winner-take-all rule that awards all of a state’s electoral votes to the candidate who receives the most popular votes in each state.

Under the winner-take-all rule, 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 closely divided “battleground” states. This means that voters in two thirds 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.

Another shortcoming of the current system is that a candidate can win the Presidency without winning the most popular votes nationwide. A shift of 60,000 votes would have elected Kerry in 2004, even though President Bush was ahead by 3,500,000 votes nationwide.

The U.S. Constitution gives the states exclusive and plenary control over the manner of awarding of 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 three states in the nation’s first presidential election). Maine and Nebraska currently award electoral votes by district—a reminder that a federal constitutional amendment is not required to change the way the President is elected.

The National Popular Vote bill would take effect only when enacted, in identical form, by states possessing a majority of the electoral votes—that is, enough electoral votes to elect a President (270 of 538). When the bill is in effect, all the electoral votes from the states that enacted the bill would be awarded, as a bloc, to the presidential candidate who receives the most popular votes in all 50 states (and DC).

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

70% of the public has long supported nationwide election of the president.

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

Additional information is available in the book *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote* and at www.NationalPopularVote.com.