



April 29, 2009

“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 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 27 legislative chambers in 17 states, including Arkansas, California, Colorado, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Nevada, New Jersey, New Mexico, North Carolina, Oregon, Rhode Island, Vermont, and Washington.

The bill is currently endorsed by 1,659 state legislators — 763 sponsors (in 48 states) and an additional 896 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.

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 a few thousand votes in one or two states would have elected the second-place candidate in 5 of the last 12 elections. A shift of 60,000 votes in Ohio in 2004 would have defeated Bush despite his nationwide lead of 3,500,000 votes.

Another shortcoming of the winner-take-all rule is that 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 states and 98% in just 15 states.

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 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*, *Sacramento Bee*, Common Cause, and Fair Vote.

A recent *Washington Post*, Kaiser Family Foundation, and Harvard University poll shows 72% of Americans support nationwide election of the President. Polls in 24 states are similar.

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).

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.