

**LWV CO (2019)**

**National Popular Vote Frequently Asked Questions**

*This document is designed to answer questions members of the public often ask about the National Popular Vote, National Popular Vote Interstate Compact and related issues.*

**1. Why should states adopt the National Popular Vote?**

States should adopt the National Popular Vote for the same reason that we have voting for all other major public officials: the person who wins the most votes is elected to the office. In the case of the national election, the winner of the most votes in all 50 states and the District of Columbia should win the presidency. The National Popular Vote would honor the will of the people, just as it does in every other public election, from mayor to governor to congressmen and senators. Another major reason is that the current system creates the effect of swing states or battleground states – that is states where the outcome is a tossup versus safe states where the outcome is well-known ahead of the campaign season. Candidates spend the majority of their effort in swing states and tend to ignore voters in safe states. Another major reason is that voter turnout is negatively impacted in safe states – more voters turn out to vote in the swing states.

**2. Don't we already vote for president directly?**

Currently when you cast your vote for president, you are not directly voting for the president, but instead for a group or slate of electors for your state – these electors then vote for the president. In 48 states, the slate of electors for the state will all vote for the same candidate based on the majority of votes within that state. For example, all 9 of Colorado's electors vote for the same presidential candidate. This is called the "winner-take-all" method of states selecting the President of the United States. Two states, ME and NE split their electors based on their voters so that some of their electors will vote for one candidate while some of their electors will vote for another candidate. Because of the winner-take-all method of assigning electors, that means that electors for 48 states goes either all "red" or all "blue" regardless if their elections are close or not. This means that the total representation of all voters is not accounted for in the US total. For example, it would appear that Colorado's voters selected only one candidate when, in fact, Colorado's voters may have split their vote narrowly. This also means that it is possible for candidates who didn't win the national popular vote to become president.

**3. Is the electoral college and the “winner- take-all” method in the Constitution?**

The electoral college is defined in the US Constitution. However, the “Winner-take-all” system is not in the Constitution, and there is evidence that some of the Founders, such as James Madison, were very uncomfortable with the possibility of this system. It wasn’t until several decades after the Constitution was signed that states began individually passing local “winner-take-all” laws. By the end of the 1880s, “winner-take-all” practices had become common place. It is individual state governments that determine how electors are assigned. The National Popular Vote Interstate Compact will be consistent with the electoral college as defined in the Constitution, but the state’s will award their electors differently – per the popular vote count in all 50 states.

**4. Wouldn’t the National Popular Vote require a Constitutional amendment?**

No. The National Popular Vote is entirely in keeping with the U.S. Constitution, Article II, Section I which gives states the exclusive power to choose how they select and instruct their electors. Just as states chose to adopt the “winner-take-all” laws, they have the power to repeal them. Today they can join the National Popular Vote Interstate Compact which is an agreement among states who enact National Popular Vote legislation to instruct their electors to select the presidential candidate who wins the most votes in all 50 states and the District of Columbia.

**5. How many states have joined the National Popular Vote?**

Many states have joined the National Popular Vote Interstate Compact and many others are considering it, since polls over the past 40 years consistently show that the majority of the American public is in favor of popular vote for president. However the National Popular Vote Interstate Compact will not go into effect until enough states have joined to represent over half of the electoral votes (270 out of 538). As of July 2019, 15 states and DC have joined the National Popular Vote Interstate Compact representing about 2/3 of the electoral votes needed to get to 270. About 20 other states are considering it.

**6. Isn’t the National Popular Vote an end-run around states’ rights?**

Quite the opposite. States maintain their constitutional right to instruct their electors in any way they see fit and thus continue to control national elections as our Founders intended. States can choose to join the National Popular Vote Interstate Compact or not; likewise, they can choose to leave it later on (though not during the last six months of a presidential campaign). The electoral system - and the state’s rights to determine how to assign their electors - remains unchanged with the National Popular Vote Interstate Compact.

## **7. If we have National Popular Vote won't rural areas be ignored in favor of big cities?**

Under the current state-by-state winner-take-all method of awarding electoral votes, the 10 most rural states in the United States (AL, AR, KY, ME, MS, MT, SD, ND, WV, VT) presently have diminished influence because *none* are battleground states, *not because they are rural*. In 2016, two-thirds ( $\frac{2}{3}$ <sup>rd</sup>s) of the general-election campaign events were in 6 states (FL, NC, MI, OH, PA and VA) and 94% of the 2016 events were in just 12 states (AZ, CO, FL, IA, MI, NC, NH, NV, OH, PA, VA and WI) – none of which were rural states.

With National Popular Vote every American's vote would count equally. A vote cast in a big city would be no more or less valuable or controlling than a vote cast anywhere else. While big cities might become the place candidates choose to visit and hold rallies, the rural media market is much less expensive and media is likely the way that candidates will choose to reach out to rural voters. It is worth noting that about 15% of the population lives in rural areas, generally voting conservative; about 15% of the population lives in the 50 largest cities (400,000 people or more), generally voting progressive; and all other Americans live in the suburbs or small towns which are generally evenly split. Data show that within the swing states candidates reach out to both rural and urban voters. There is no reason to think candidates would ignore either rural or urban voters once we have popular vote.

## **8. Is National Popular Vote a partisan issue?**

In general, making every vote count and having the most votes to win are not partisan issues and in the past many prominent politicians on both sides have supported National Popular Vote. However in recent years, it has tended to have more support on the Democratic side than on the Republican side. It is worth noting that the National Popular Vote Interstate Compact has been around since 2006; that it has passed Republican controlled legislative bodies in states other than Colorado; and that it has bipartisan sponsorship states other than Colorado. Some prominent conservative supporters include Newt Gingrich and Michael Steele. The LWVCO believes that having every vote count equally will not favor one party or the other over time, but instead will ensure that the office of the president will be held by the person with the most votes.

## **9. How can I learn more?**

For this issue, there is a wealth of information on the internet including arguments both for and against popular vote for president. We recommend reading both sides and forming your own opinion. We can help: the LWVCO would be willing to provide a speaker for your group on this topic. The LWV has studied this issue a long time (since 1970) and is in favor. We believe that having popular vote for president would be conducive to a more representative government; we think it will increase voter turnout and reduce cynicism and will make it so that every vote will count equally in the general election.