A thick black L-shaped frame surrounds the text. It starts at the top left, goes right, then down, then right again at the bottom right.

WHAT IS THE “NATIONAL POPULAR VOTE”? WHY SHOULD I CARE?

League of Women Voters Arizona

THE NATIONAL POPULAR VOTE IS AN
INTERSTATE COMPACT THAT WOULD GUARANTEE
THE PRESIDENCY TO THE CANDIDATE WHO
RECEIVES THE MOST POPULAR VOTES IN ALL 50
STATES AND THE DISTRICT OF COLUMBIA

What Is The “National Popular Vote Interstate Compact” (NPVIC)?

- The National Popular Vote Interstate Compact (NPVIC) is a compact, or agreement, among the States to award all of their electoral votes collectively to the presidential candidate who wins the popular vote nationwide
 - *Under the NPV system, everyone's vote will count equally, and the winner of the popular vote will be elected president*
 - *In today's elections, not everyone's vote matters; tens of millions of voters are ignored during the campaign for President*
 - *This is because most states have a winner-take-all system in which the state's entire Electoral College vote total goes to the statewide popular vote winner*
- **This is NOT about trying to change the rules so that Team A or Team B has a better chance.....**
- **This is about right-sizing the influence of each citizen so that a vote in AZ is worth the same as a vote in FL or OH**

What Is The “National Popular Vote Interstate Compact” (NPVIC)? (cont’d)

- The NPVIC is a means of ensuring that candidates and subsequent administrations value each state and each voter, not just swing states and swing voters
- As of 03/ 201 7, legislatures in 10 states and in Washington DC -- representing 165 total electoral votes -- had already joined the NPVIC
- In 12 more states, including Arizona, one legislative chamber has approved the bill
- 270 electoral votes are required for majority control of the electoral college
- Thus, when states with a total of 270 electors have entered into the NPVIC, the compact takes effect

HOW DOES THE NATIONAL POPULAR VOTE WORK?

- ❑ It takes effect when passed by States totaling 270 electoral votes
- ❑ It counts the votes in ALL 50 states and D.C. whether states are in the compact or not
- ❑ The National Popular Vote has been passed in 11 states totaling 165 electoral votes so far
- ❑ The National Popular Vote has been passed in 34 legislative chambers in 23 states

“Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress. . . . ” (U.S. Constitution)

- **The President and Vice President of the United States are NOT elected directly by the voters**
- **Instead, the President and Vice President are elected by a group of 538 people (= *number of senators + representatives + 3 Electors for Washington, D.C.*) who are known individually as “presidential electors” and collectively as the “Electoral College”**
- **In order to be elected, the Constitution requires that a presidential or vice-presidential candidate win the votes of a majority of the presidential electors who have been “appointed”**
- **Assuming that all states appoint their presidential electors, that requirement currently means winning 270 of the 538 electoral votes**

The President Is Elected By The Electoral College

- The politically most important aspects of the system for electing the President of the United States are not established by the U.S. Constitution
- Instead, the Constitution delegates the power to make those decisions to the individual States
- The Constitution specifies that the President and Vice President are to be chosen every four years by a small group of people (currently 538) who are individually referred to as “presidential electors”
- The presidential electors are collectively referred to as the “Electoral College” (although this term does not appear in the Constitution)
- The U.S. Constitution delegates the power to choose the method of appointing presidential electors to the States

Who Can Vote For The President?

- The voters who have the qualifications to vote for the lower house of their state legislature have the right, under the Constitution, to vote for U.S. Representatives
- The 17th Amendment (ratified in 1913) gave the voters the right to directly elect U.S. Senators
 - *Under the original Constitution, they had been elected by state legislatures*
- The voters, however, have no federal constitutional right to vote for President or Vice President or for presidential electors
- Instead, the Constitution provides:
 - *“Each State shall **appoint, in such Manner as the Legislature thereof may direct,** a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress. . . .”*

Who Can Vote For The President?

(cont'd)

- As the Supreme Court wrote in the 1892 case of *McPherson v. Blacker*, the leading case on the manner of appointing presidential electors:
 - *“The constitution does not provide that the appointment of electors shall be by popular vote, nor that the electors shall be voted for upon a general ticket [i.e., the winner-take-all rule], nor that the majority of those who exercise the elective franchise can alone choose the electors. . . .”*
 - *“In short, the appointment and mode of appointment of electors belong exclusively to the States under the constitution of the United States”*
- In 2000, the U.S. Supreme Court in *Bush v. Gore* reiterated the principle that the people have no federal constitutional right to vote for President
- **That is, the states have plenary authority in choosing the manner of appointing their presidential electors**

WHY WAS THE ELECTORAL COLLEGE FORMED?

- ❑ After 30 votes in 22 days, the Electoral College was a necessary compromise at the Convention
- ❑ It maintains state power (worth protecting), while determining how large of a voice each state shall have
- ❑ In Federalist Paper #45, Madison wrote of the three distinct powers given to the Legislature
 - *Maps (i.e. Redistricting) for the US House*
 - *Appointment of the US Senate*
 - *Electoral College for the US President*

Federalist Paper #45

“The State governments may be regarded as constituent and essential parts of the federal government; whilst the latter is nowise essential to the operation or organization of the former. **Without the intervention of the State legislatures, the President of the United States cannot be elected at all.** They must in all cases have a great share in his appointment, and will, perhaps, in most cases, of themselves determine it. The Senate will be elected absolutely and exclusively by the State legislatures. Even the House of Representatives, though drawn immediately from the people, will be chosen very much under the influence of that class of men, whose influence over the people obtains for themselves an election into the State legislatures. Thus, each of the principal branches of the federal government will owe its existence more or less to the favor of the State governments, and must consequently feel a dependence, which is much more likely to beget a disposition too obsequious than too overbearing towards them.”

What Did The Founding Fathers Intend With The Electoral College?

- The Founding Fathers anticipated that the Electoral College would act as a deliberative body *in which the presidential electors would exercise independent and detached judgment in order to select the best persons* to serve as President and Vice President
- As John Jay (the presumed author of *Federalist No. 64*) wrote in 1788:
 - *“As the select assemblies for choosing the President . . . will in general be composed of the most enlightened and respectable citizens, there is reason to presume that their attention and their votes will be directed to those men only who have become the most distinguished by their abilities and virtues”*
- As Alexander Hamilton (the presumed author of *Federalist No. 68*) wrote in 1788:
 - *“[T]he immediate election should be made by men most capable of analyzing the qualities adapted to the station, and acting under circumstances favorable to deliberation, and to a judicious combination of all the reasons and inducements which were proper to govern their choice. A small number of persons, selected by their fellow-citizens from the general mass, will be most likely to possess the information and discernment requisite to such complicated investigations”*

Some History

- A strong argument for the Electoral College system was the challenges faced by potential candidates
- The only means of long distance communication was by a man on a horse carrying a written message – – there were no phones, no telegraph, no radio, no internet, no TV, no cinemas, no national newspapers, no railways, no airplanes,.....
- Of course the travel time for a candidate to visit each State on horseback would take many, many months
- **This posed a serious impediment to conducting a national election**
- Many of the founding fathers also expressed grave concerns about allowing what was basically a woefully uneducated, poor population to select the President, so they wanted to concentrate the decision making process among those who could spend some time in Washington, D.C., those who knew the issues and knew how government worked, and who would get to know the candidates
- **They never intended for the general population to directly elect the President!**

SO WHAT ACTUALLY HAPPENS TODAY IN THE ELECTION OF THE PRESIDENT?

- ❑ Today the majority of the States use a “winner-take-all” approach to the presidential elections
- ❑ But neither popular voting for presidential electors nor the state-by-state winner-take-all rule came into existence by amending the U.S. Constitution
- ❑ Instead, these now-familiar features came into existence on a piecemeal basis as a result of states using the flexibility that the Founders built into the Constitution
- ❑ In particular, the winner- take-all rule was created by state law and, therefore, may be repealed by state law

The Evolution Of The “Winner-Take-All” Approach

- The three states that used the winner-take-all rule in the nation’s first presidential election in 1789 had abandoned it by 1800
- However, a counter-trend developed in favor of the winner-take-all rule
- As early as the nation’s first competitive presidential election (1796), it had become clear to political observers that the district system divided a state’s electoral votes and thereby diminished the influence of the state’s dominant political party
- On January 12, 1800, Thomas Jefferson (the losing Republican candidate from the 1796 presidential election) wrote James Monroe (then a member of the legislature in Jefferson’s home state of Virginia):
 - *“On the subject of an election by a general ticket [the statewide winner-take-all rule], or by districts, most persons here seem to have made up their minds. All agree that an **election by districts would be best, if it could be general; but while 10 states choose either by their legislatures or by a general ticket, it is folly and worse than folly for the other 6 not to do it**”*
- Over a period of years, the States one by one gravitated to the statewide winner-take-all rule to avoid the “folly” of fragmenting their electoral votes!

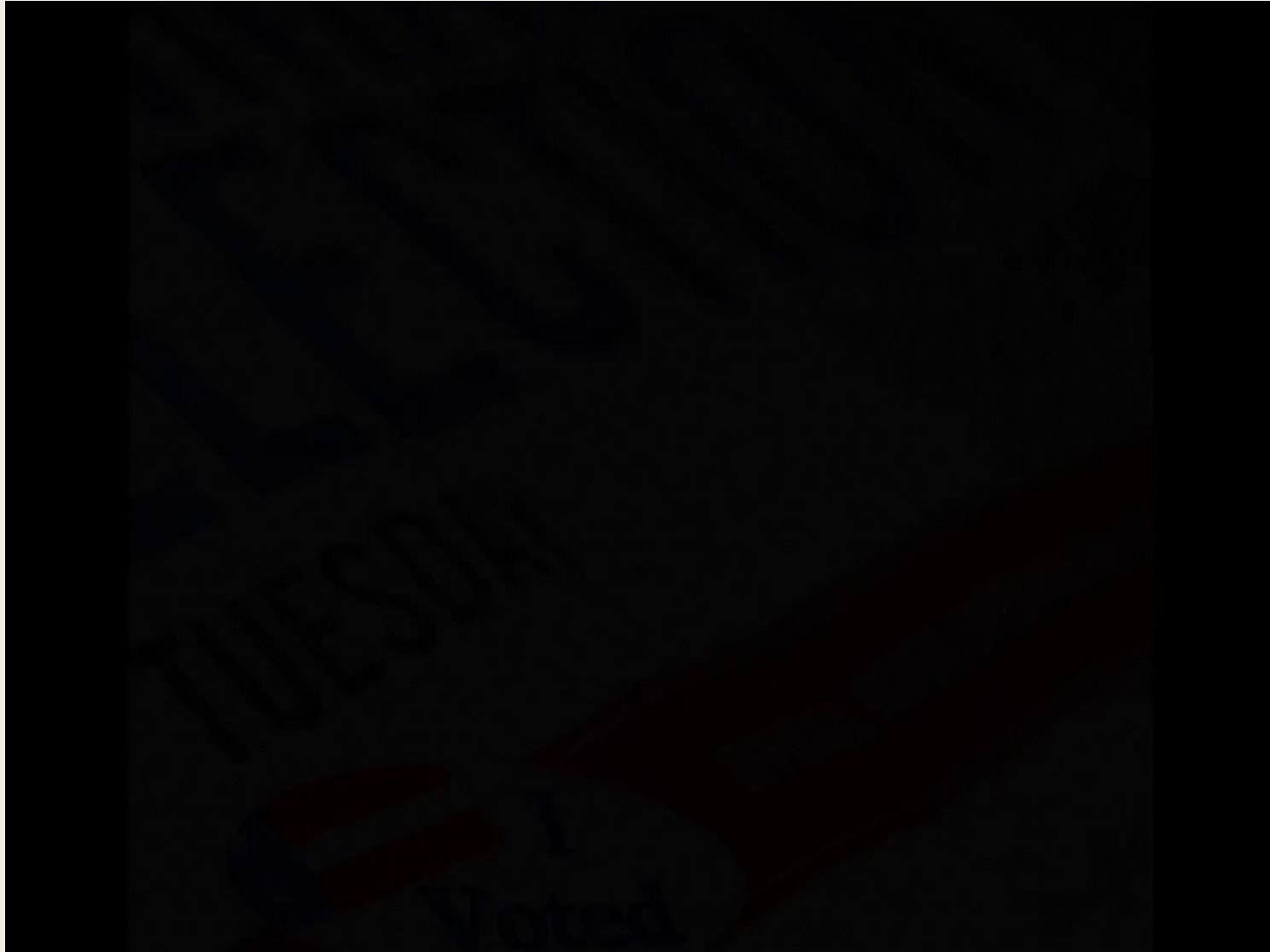
The Evolution Of The “Winner-Take-All” Approach (cont’d)

- The compelling reason for this change was that the political party that controlled the governorship and legislature in a particular state was generally confident of winning the statewide vote for President (but almost never confident of winning every single district within the state)
- As more and more states adopted the winner-take-all rule, the winner-take-all rule seemed to make more and more sense to the remaining states
- *It can be seen, in retrospect, that the emergence of national political parties in 1796, in conjunction with the Constitution’s 17-word delegation of power to the states, made it almost inevitable that the statewide winner-take-all rule would become the predominant method of choosing presidential electors*
- Thus, by 1836, all but one state had adopted the concept of popular election of presidential electors using the statewide winner-take-all rule

Shortcomings Of The Current System For Electoral College Elections

- **Voters Are Effectively Disenfranchised in Four-Fifths of the States in Presidential Elections**
 - *One of the consequences of the statewide winner-take-all rule (i.e., awarding all of a state's electoral votes to the presidential candidate who receives the most popular votes in each separate state) is that presidential candidates do not campaign in states in which they are comfortably ahead or hopelessly behind*
- **The Current System Does Not Reliably Reflect the Nationwide Popular Vote**
 - *The statewide winner-take-all rule makes it possible for a candidate to win the presidency without winning the most popular votes nationwide*
 - *This has occurred in five of the nation's 58 presidential elections*
- **Not Every Vote Is Equal**
 - *Voters in “Swing” or Battleground” States (i.e. Competitive States) personally witness the campaigns, meet the candidates, and are targeted for turnout, while 4/5 of voters nationally are ignored*

SUMMARY VIDEO: How the Electoral College Works



“SWING” OR “BATTLEGROUND” STATES

- Although there is no precise definition of a “swing” or “battleground” state, these states can be readily identified in practice by simply observing:
 - where presidential candidates campaign
 - where they spend their money (on advertising and organizational activities)
 - where they closely watch public opinion (through polls, focus groups, and other means)

The Consequence Of “Winner-Take-All” State Elections For The Electoral College

- Most people who follow politics are aware of the fact that presidential campaigns are concentrated in a handful of closely divided battleground states
 - However, many people are not aware of the extreme degree of this concentration
- Presidential candidates pay almost no attention to the concerns of voters in states that are not closely divided
 - In fact, they do not even bother to poll public opinion in spectator states
- This also has policy implications after, as well as during, the election!

Example 1: The 2016 Presidential Election

- 94% of Post Convention visits went to 12 states
- 2/3 of events were in just 6 states (FL, NC, PN, OH, VA, MI)
- 12 States were 11 as predicted plus AZ
- Combined, both candidates held 399 such events
- Roughly 95 Million Americans were in the 12 battleground states
- 215 Million Americans were largely ignored.....

Example 2: The Prior 2012 Presidential Election

- Post Convention visits went to only 12 states
 - Minnesota and Michigan each got only 1 each, North Carolina (3) and Pennsylvania (5)
 - 54.4% of TV ad spending went to OH, FL, VA
 - 58.9% of Campaign Events went to OH, FL, VA
 - 4/5 of states and 4/5 of voters do not matter in the General Election for President, incl. AZ
-
- So why would AZ protect this status quo?

The Only States That Received Any Attention In The 2012 General Election Campaign For President Were States Within 3% Of The National Outcome

- The states are listed on the right in order of Romney's 2012 percentage—with the most Republican (red) states at the top
- The second column shows the total number of general-election campaign events for each state (out of a nationwide total of 253)
 - As can be seen, the only states that received any campaign events and any significant ad money (third column) were the 12 states (shown in black in the middle of the table) where the outcome was between 45% and 51% Republican—that is, within 3 percentage points of Romney's nationwide percentage of 48%
- The fourth column shows donations from each state

Romney Percent	Campaign events	TV ad spending	Donations	State	Romney (R)	Obama (D)	R-Margin	D-Margin	R-EV	D-EV
75%	0	\$0	\$11,230,092	Utah	740,600	251,813	488,787		6	
71%	0	\$0	\$2,225,204	Wyoming	170,962	69,286	101,676		3	
67%	0	\$1,300	\$7,129,393	Oklahoma	891,325	443,547	447,778		7	
66%	0	\$290	\$3,586,883	Idaho	420,911	212,787	208,124		4	
64%	0	\$100	\$1,985,666	West Virginia	417,584	238,230	179,354		5	
62%	0	\$0	\$3,296,533	Arkansas	647,744	394,409	253,335		6	
62%	0	\$400	\$6,079,673	Kentucky	1,087,190	679,370	407,820		8	
61%	0	\$80	\$6,736,196	Alabama	1,255,925	795,696	460,229		9	
61%	0	\$0	\$4,796,947	Kansas	692,634	440,726	251,908		6	
61%	0	\$0	\$3,128,691	Nebraska	475,064	302,081	172,983		5	
60%	0	\$346,490	\$844,129	North Dakota	188,320	124,966	63,354		3	
60%	0	\$1,440	\$11,967,542	Tennessee	1,462,330	960,709	501,621		11	
59%	0	\$3,990	\$7,510,687	Louisiana	1,152,262	809,141	343,121		8	
59%	0	\$1,810	\$1,267,192	South Dakota	210,610	145,039	65,571		3	
58%	0	\$2,570	\$64,044,620	Texas	4,569,843	3,308,124	1,261,719		38	
57%	0	\$0	\$2,153,869	Alaska	164,676	122,640	42,036		3	
57%	0	\$0	\$2,295,005	Montana	267,928	201,839	66,089		3	
56%	0	\$0	\$3,525,145	Mississippi	710,746	562,949	147,797		6	
55%	0	\$40,350	\$14,631,204	Arizona	1,233,654	1,025,232	208,422		11	
55%	0	\$300	\$8,210,564	Indiana	1,420,543	1,152,887	267,656		11	
55%	0	\$127,560	\$11,512,255	Missouri	1,482,440	1,223,796	258,644		10	
55%	0	\$710	\$6,686,788	SC	1,071,645	865,941	205,704		9	
54%	0	\$6,020	\$21,906,923	Georgia	2,078,688	1,773,827	304,861		16	
51%	3	\$80,000,000	\$18,658,894	NC	2,270,395	2,178,391	92,004		15	
50%	40	\$175,776,780	\$56,863,167	Florida	4,162,341	4,235,965		73,624		29
48%	73	\$148,000,000	\$20,654,423	Ohio	2,661,407	2,827,621		166,214		18
48%	36	\$127,000,000	\$32,428,002	Virginia	1,822,522	1,971,820		149,298		13
47%	23	\$71,000,000	\$20,695,557	Colorado	1,185,050	1,322,998		137,948		9
47%	27	\$52,194,330	\$4,780,400	Iowa	730,617	822,544		91,927		6
47%	13	\$55,000,000	\$6,717,552	Nevada	463,567	531,373		67,806		6
47%	13	\$34,000,000	\$4,389,577	NH	329,918	369,561		39,643		4
47%	5	\$31,000,000	\$27,661,702	Pennsylvania	2,680,434	2,990,274		309,840		20
47%	18	\$40,000,000	\$10,011,235	Wisconsin	1,410,966	1,620,985		210,019		10
46%	1	\$0	\$11,112,922	Minnesota	1,320,225	1,546,167		225,942		10
45%	1	\$15,186,750	\$19,917,206	Michigan	2,115,256	2,564,569		449,313		16
45%	0	\$1,162,000	\$5,770,738	New Mexico	335,788	415,335		79,547		5
44%	0	\$460	\$10,463,528	Oregon	754,175	970,488		216,313		7
42%	0	\$195,610	\$3,452,126	Maine	292,276	401,306		109,030		4
42%	0	\$0	\$23,600,404	Washington	1,290,670	1,755,396		464,726		12
41%	0	\$330	\$18,644,901	Connecticut	634,892	905,083		270,191		7
41%	0	\$0	\$2,141,203	Delaware	165,484	242,584		77,100		3
41%	0	\$270	\$107,928,359	Illinois	2,135,216	3,019,512		884,296		20
41%	0	\$0	\$24,062,220	New Jersey	1,478,088	2,122,786		644,698		14
38%	0	\$320	\$137,804,736	California	4,839,958	7,854,285		3,014,327		55
38%	0	\$0	\$35,927,766	Mass	1,188,314	1,921,290		732,976		11
37%	0	\$1,120	\$25,579,933	Maryland	971,869	1,677,844		705,975		10
36%	0	\$55,600	\$76,743,682	New York	2,485,432	4,471,871		1,986,439		29
36%	0	\$0	\$2,226,963	Rhode Island	157,204	279,677		122,473		4
32%	0	\$0	\$2,732,572	Vermont	92,698	199,239		106,541		3
28%	0	\$0	\$3,217,863	Hawaii	121,015	306,658		185,643		4
7%	0	\$0	\$16,670,938	DC	21,381	267,070		245,689		3
48.0%	253	\$831,106,980	\$937,609,770	Total	60,930,782	65,897,727			206	332

<http://www.fairvote.org/research-and-analysis/presidential-elections/2012/chart>

January 4, 2016

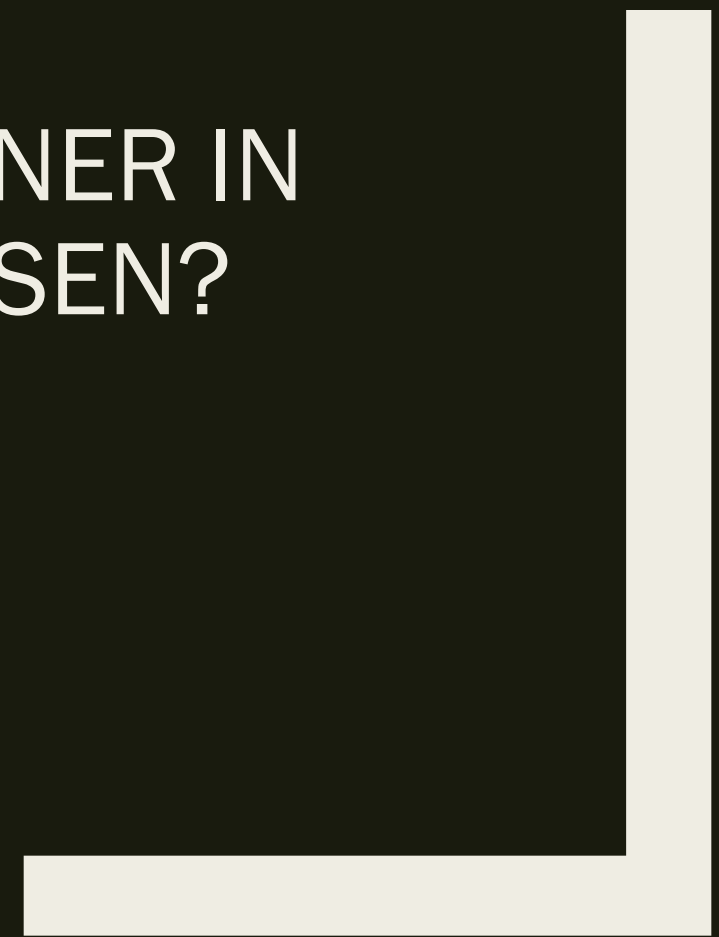
Policy Implications Of Today's Swing State System

- Candidates try to buy swing state votes with federal dollars
- Between 1996 and 2008, swing states received 7.6% more federal grants and about 5.7% more grant money than safe states
- The largest entitlement program since welfare was Medicaid Part D (free drugs for seniors)
 - *Passed by a Republican President who needed to win the senior vote in the I-4 Corridor in Florida*
- No Child Left Behind targeted suburban soccer moms in Ohio
- Ethanol subsidies exist to woo voters in Iowa
- Steel Tariffs were passed by George HW Bush to secure votes in Pennsylvania
- In these and every other case, voters all over the country are stuck with the bill so that candidates can curry favor in a few states
- Today the USA is \$20 Trillion in debt yet the national debt is not a topic of much debate in Presidential general elections

Big Issues Get Ignored

- It is not just voters and states that get ignored:
 - *National Issues get ignored in general elections*
 - Border security
 - National debt
 - Etc., etc
 - *Constitutional Issues get ignored in general elections*
 - 2nd Amendment
 - State's Rights
 - Etc., etc.
- **Ultimately, the National Popular Vote is the only way to ensure that a vote in AZ counts as much and matters as much as a vote in OH, FL, or VA and that our issues matter as much too!**

HOW CAN WE CHANGE THE MANNER IN WHICH OUR ELECTORS ARE CHOSEN?



A Fortuitous Convergence Of Factors Currently Exists Favoring Reform Of The Current System Of Electing The President

- First, the public has come to realize that voters are effectively disenfranchised in presidential elections in about four-fifths of the states
 - *Because of the closeness of the seven presidential elections between 1988 and 2016 and today's closely divided political environment, the media has spotlighted the notion of reliably "red" states and reliably "blue" states and the operation of the state-by-state winner-take-all rule*
 - *In particular, the public has become more aware that presidential elections are contested in only a handful of battleground states*
- Second, neither major political party gains a partisan advantage from the small states
 - *Six of the 13 small states (Alaska, Idaho, Montana, North Dakota, South Dakota, and Wyoming) have regularly given their combined 19 electoral votes to the Republican presidential candidate*
 - *Six other small jurisdictions (Delaware, the District of Columbia, Hawaii, Maine, Rhode Island, and Vermont) have regularly given their combined 21 electoral votes to the Democratic presidential candidate*
 - *Only one of the 13 smallest states (New Hampshire) is a closely divided battleground state*

Five Salient Features Of Present-day Presidential Elections Did Not Exist Or Were Not Prominent At The Time Of The Ratification Of The U.S. Constitution

- Namely:
 - *popular voting for presidential election*
 - *the non-deliberative nature of the Electoral College*
 - *the statewide winner-take-all rule*
 - *nomination of presidential candidates by political parties*
 - *the short presidential ballot*
- These present-day features of the system evolved over a period of many decades as a result of the piecemeal passage of laws by individual states and the emergence of political parties

The “National Popular Vote,” Or NPV, Is Shorthand For The “National Popular Vote Interstate Compact” (NPVIC)

- The president is elected by the Electoral College
- The National Popular Vote bill (NPV) will guarantee election of the presidential candidate who wins the most popular votes in the November election
- Under the National Popular Vote bill, all the electoral votes from the enacting states would be awarded to the presidential candidate receiving the most popular votes in *all* 50 states (and DC)
- The bill would take effect only when enacted by states possessing a majority of the electoral votes – that is, enough to elect a President (270 of 538)

BACKGROUND ON INTERSTATE COMPACTS

An Interstate Compact Is A Contractual Agreement Between Two Or More States

- The Articles of Confederation (proposed by the Continental Congress in 1777 and ratified by the states by 1781) provided:
 - *“No two or more States shall enter into any treaty, confederation or alliance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.”*
- Article I, section 10, clause 3 of the U.S. Constitution provides:
 - *“No state shall, without the consent of Congress, . . . enter into any agreement or compact with another state. . . .”*
- **An interstate compact is, first and foremost, a contract**
- As the Supreme Court wrote in the 1959 case of *Petty v. Tennessee-Missouri Bridge Commission*:
 - *“A compact is, after all, a contract”*
- As contracts, compacts enjoy strong protection from the Impairments Clause of the U.S. Constitution
- Article I, section 10, clause 1 provides:
 - *“No State shall . . . pass any . . . Law impairing the Obligation of Contracts. . . .”*

The Council Of State Governments Summarizes The Nature Of Interstate Compacts As Follows:

- **“Compacts are agreements between two or more states that bind them to the compacts’ provisions, just as a contract binds two or more parties in a business deal**
 - *As such, compacts are subject to the substantive principles of contract law and are protected by the constitutional prohibition against laws that impair the obligations of contracts (U.S. Constitution, Article I, Section 10).*
- **“That means that compacting states are bound to observe the terms of their agreements, even if those terms are inconsistent with other state laws**
 - *In short, compacts between states are somewhat like treaties between nations*
 - *Compacts have the force and effect of statutory law (whether enacted by statute or not) and **they take precedence over conflicting state laws, regardless of when those laws are enacted***
- **“However, unlike treaties, compacts are not dependent solely upon the good will of the parties**
 - *Once enacted, compacts may not be unilaterally renounced by a member state, except as provided by the compacts themselves*
 - *Moreover, Congress and the courts can compel compliance with the terms of interstate compacts*
 - *That’s why compacts are considered the most effective means of ensuring interstate cooperation”*

Congressional Consent And Involvement In Interstate Compacts

- Congress may become involved with an interstate compact in a number of different ways:
 - *explicitly consenting to a compact*
 - *explicitly consenting to a compact on behalf of the District of Columbia*
 - *making the federal government a party to a compact*
 - *providing implied consent to a compact*
 - *consenting in advance to a broad category of compacts*
 - *consenting in advance to a particular compact*
- The statutory language necessary for congressional consent to an interstate compact is straight forward

A State May Enter An Interstate Compact In Several Ways

- In certain circumstances, the Governor, the head of an administrative department, or a commission may have sufficient legal authority to enter into a compact on a particular subject on behalf of the state
- **Enactment of an interstate compact by a state legislature is generally accomplished in the same way that ordinary state laws are enacted**
 - *Enactment of a state statute typically requires a majority vote of the state legislature and submission of the legislative bill to the state's Governor for approval or disapproval*
 - *If the Governor approves a bill that has been passed by the legislature, then the bill becomes law*
 - *All Governors have the power to veto legislation passed by their state legislatures*
 - *If a Governor vetoes a bill, the bill may nonetheless become law if the legislature overrides the veto in the manner provided by the state's constitution*
- **If a state allows the citizen-initiative process, an interstate compact may be enacted in that fashion**
 - *Each state constitution specifies the legislature's role, if any, in the initiative process*

PASSING THE NPV INTERSTATE COMPACT (NPVIC) IN ARIZONA

- ☐ The National Popular Vote is Constitutional
- ☐ The National Popular Vote is an exercise in State Sovereignty
- ☐ The National Popular Vote is the only way to ensure that a voter in AZ matters as much as a voter in OH/FL/VA
- ☐ The National Popular Vote preserves the Electoral College
- ☐ We can leave the compact as easily as we get into it

Passing The NPV Interstate Compact (NPVIC) In Arizona

- NPVIC passed the Arizona House in February 2016 with strong bipartisan support; vote count 40-16, with 4 absences or abstentions
 - *However, the Senate President did not assign the NPVIC to a committee hearing, thereby denying it a Senate vote (informally referred to as a “pocket veto”), so it has not yet been enacted into law in Arizona*
- A 2017 House bill was offered with just Democrat co-sponsors, but the bill did not receive a hearing
- A bi-partisan effort is expected in 2018, which is why we are working to educate and involve Arizona voters of all persuasions
- Passing the compact in Arizona will require the people making their voices heard at the State Capitol!

Text Of A Proposed “Agreement Among The States To Elect The President By National Popular Vote”

- The compact is a mere 888 words!

Written by: “NationalPopularVote.com”

4/21/2017

Article I—Membership	
I-1	Any State of the United States and the District of Columbia may become a member of this agreement by enacting this agreement.
Article II—Right of the People in Member States to Vote for President and Vice President	
II-1	Each member state shall conduct a statewide popular election for President and Vice President of the United States.
Article III—Manner of Appointing Presidential Electors in Member States	
III-1	Prior to the time set by law for the meeting and voting by the presidential electors, the chief election official of each member state shall determine the number of votes for each presidential slate in each State of the United States and in the District of Columbia in which votes have been cast in a statewide popular election and shall add such votes together to produce a “national popular vote total” for each presidential slate.
III-2	The chief election official of each member state shall designate the presidential slate with the largest national popular vote total as the “national popular vote winner.”
III-3	The presidential elector certifying official of each member state shall certify the appointment in that official’s own state of the elector slate nominated in that state in association with the national popular vote winner.
III-4	At least six days before the day fixed by law for the meeting and voting by the presidential electors, each member state shall make a final determination of the number of popular votes cast in the state for each presidential slate and shall communicate an official statement of such determination within 24 hours to the chief election official of each other member state.
III-5	The chief election official of each member state shall treat as conclusive an official statement containing the number of popular votes in a state for each presidential slate made by the day established by federal law for making a state’s final determination conclusive as to the counting of electoral votes by Congress.
III-6	In event of a tie for the national popular vote winner, the presidential elector certifying official of each member state shall certify the appointment of the elector slate nominated in association with the presidential slate receiving the largest number of popular votes within that official’s own state.
III-7	If, for any reason, the number of presidential electors nominated in a member state in association with the national popular vote winner is less than or greater than that state’s number of electoral votes, the presidential candidate on the presidential slate that has been designated as the national popular vote winner shall have the power to nominate the presidential electors for that state and that state’s presidential elector certifying official shall certify the appointment of such nominees.

Text Of A Proposed “Agreement Among The States To Elect The President By National Popular Vote” (cont’d)

- The Arizona voters must urgently push their representatives to adopt and pass this agreement!

Written by: “NationalPopularVote.com”

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III-8	The chief election official of each member state shall immediately release to the public all vote counts or statements of votes as they are determined or obtained.
III-9	This article shall govern the appointment of presidential electors in each member state in any year in which this agreement is, on July 20, in effect in states cumulatively possessing a majority of the electoral votes.
Article IV—Other Provisions	
IV-1	This agreement shall take effect when states cumulatively possessing a majority of the electoral votes have enacted this agreement in substantially the same form and the enactments by such states have taken effect in each state.
IV-2	Any member state may withdraw from this agreement, except that a withdrawal occurring six months or less before the end of a President’s term shall not become effective until a President or Vice President shall have been qualified to serve the next term.
IV-3	The chief executive of each member state shall promptly notify the chief executive of all other states of when this agreement has been enacted and has taken effect in that official’s state, when the state has withdrawn from this agreement, and when this agreement takes effect generally.
IV-4	This agreement shall terminate if the electoral college is abolished.
IV-5	If any provision of this agreement is held invalid, the remaining provisions shall not be affected.
Article V—Definitions	
V-1	For purposes of this agreement, “chief executive” shall mean the Governor of a State of the United States or the Mayor of the District of Columbia;
V-2	“elector slate” shall mean a slate of candidates who have been nominated in a state for the position of presidential elector in association with a presidential slate;
V-3	“chief election official” shall mean the state official or body that is authorized to certify the total number of popular votes for each presidential slate;
V-4	“presidential elector” shall mean an elector for President and Vice President of the United States;
V-5	“presidential elector certifying official” shall mean the state official or body that is authorized to certify the appointment of the state’s presidential electors;
V-6	“presidential slate” shall mean a slate of two persons, the first of whom has been nominated as a candidate for President of the United States and the second of whom has been nominated as a candidate for Vice President of the United States, or any legal successors to such persons, regardless of whether both names appear on the ballot presented to the voter in a particular state;
V-7	“state” shall mean a State of the United States and the District of Columbia; and
V-8	“statewide popular election” shall mean a general election in which votes are cast for presidential slates by individual voters and counted on a statewide basis.

Why Not Simply Eliminate The Electoral College?

- Because that would require a Constitutional Amendment which requires an Article V Convention
 - *Messy and protracted!*
- The NPVIC gets around all the complications of a Constitutional Amendment in a legal manner
- The Electoral College would remain “on the books” in the Constitution, but that is not a problem
 - *There are a number of other clauses in the Constitution that are no longer applicable today*
 - *For example: the Third Amendment*

Imagine An Election With The National Popular Vote

- Campaigns would be different, so...
 - Campaign issues would be different, and...
 - The candidates would likely be different, so...
 - Turnout would be different, so...
 - Election Day would be very different
-
- Every vote, everywhere, would matter!

The Questions Facing Our Legislators

- Which is superior, our current system or National Popular Vote?
- Which encourages candidates to debate and pursue policies that are in the entire nation's best interests?
- Which system is in Arizona's best interest?
- Would the Founding Fathers encourage a system that ignores 38 out of 50 states or would they vote to change their state's rules to maximize the influence and power of their state?

How Can You Help?

- Get fluent in the issue so you can educate
- Help us to reach additional groups and demographics
- Sign up so we can contact you when things happen
- Spread the word on social media
- Stay on topic
- **Avoid Partisanship – This is NOT a partisan effort!**
- Seek support everywhere
 - *Dems opposed it in 2016*
 - *Republicans in 2017*
 - *In 2018???*
- Get active when legislation moves, especially when it comes to legislator contact

Contacts And References For Further Information

- John Purchase, LWV Metropolitan Phoenix (LWVMP) NPV Specialist, jpurchase@cox.net
- Constantin Querard, Founder and President, Grassroots Partners, cq@grassrootspartners.com
- The book: “Every Vote Equal”, available as a free .pdf file download at www.NationalPopularVote.com
- The website www.NationalPopularVote.com
- The website www.fairvote.org