

National Popular Vote: how will it pass in Wisconsin?

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The National Popular Vote (NPV) law will guarantee the presidency to the candidate who receives the most popular votes in all 50 states and the District of Columbia. It will apply the one-person-one-vote principle to presidential elections and make every vote equal.

The shortcomings of the current way that we elect the president stem from the state “winner-take-all” laws that award all of a state’s electoral votes to the candidate who receives the most popular votes in each separate state. Currently, 48 of our 50 states and the District of Columbia use what is called the “winner-take-all” system to select their electors. In a winner-take-all state election system, all of the state’s electoral votes go to the presidential candidate who wins the most popular votes within that particular state, NOT the winner of the popular vote in the nation as a whole. **In other words, the Wisconsin electors will cast their official electoral votes for the person who won the most votes in Wisconsin – even if that is NOT the presidential candidate who won the most votes from the American people as a whole.**

Because of these winner-take-all laws, five of our 46 presidents have come into office without winning the most popular votes nationwide. Under our current system, a small number of votes in a small number of battleground states regularly decides the presidency.

This winner-take-all system of electing the president is not spelled out in the U.S. Constitution. Instead, the constitution gives the *states* exclusive control to choose the method of awarding their electoral votes. We as a state have a built-in way to reform the system. Article II, Section I of the U.S. Constitution gives the states the sole authority to determine the procedure by which they each choose their electors. Section 1 states that: *“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.*

To avoid the problems with our current way of electing a president that did not actually win the most votes, nationally, states can pass the National Popular Vote bill.

The NPV bill is actually an Interstate Compact (the National Popular Vote Interstate Compact, or NPVIC). An interstate compact is an official agreement between two or more states. The NPVIC is an agreement among a group of states and the District of Columbia to award all their electoral votes to whichever presidential ticket wins the overall popular vote in the 50 states and D.C.

The compact is designed to ensure that the candidate who receives the most votes nationwide is elected president. In other words, states pass state legislation to join the compact, thereby agreeing to award all their states’ electoral votes to the presidential candidate who receives the most popular votes in the entire nation, not just the most in their particular state.

The national popular vote law (NPVIC) will go into effect when identical laws are enacted by states that together possess a majority of the electoral college, which is 270 out of 538. When the bill is enacted in enough states, then all those 270 electoral votes will go to the popular vote winner, and the winner of the national popular vote will always coincide with the winner of the electoral college.

How would this work in Wisconsin?

Passage of the National Popular Vote bill in our state would follow the normal legislative process that any bill must follow in order to become state law, so let's review how a bill becomes a law. In order for a bill to become a law, it must be passed in identical form by both houses of the legislature and then either be agreed to by the governor or passed again with a two-thirds vote by both houses over the governor's veto.

A bill takes its first step toward becoming a law when a member of the legislature introduces it in that member's house (the Assembly or the Senate). It is assigned a number, such as Assembly Bill 20 (AB20). If they support the bill, other legislators from the same house can sign on as co-authors, while members of the opposite house can sign on as co-sponsors.

The house then sends the bill to a relevant committee. The committee chair determines whether the committee will meet to consider the bill and whether the bill will hold a hearing and proceed through the necessary steps to continue moving it through the process. While a bill is in committee, legislative agencies research its potential impact. This usually includes public hearings where they hear from experts and the general public. In response to research and hearings, a committee may offer amendments to a bill. Then, it sends its analysis back to the house, usually with a recommendation: Should the house pass this bill?

The bill is then read a second time before the house (the "second reading"). Legislators can vote on any amendments at this time. Then the bill (as amended, if it's been changed) is read a third time before that house, and legislators vote on the completed bill. If it passes this stage, it is sent to the other house, where it undergoes the same process. When a bill has passed both houses, it is sent to the governor who may sign or veto it. The legislature may override a veto if two-thirds of both houses vote in favor of the bill. When the bill is passed, it becomes an act, and its changes are added into the statutes as law.

The NPV bill has been introduced in both houses of the Wisconsin legislature in most legislative sessions since 2010, most recently in 2023. Because of the composition of the legislature, the bill has made it to committee only once and has never reached a floor vote. It is very likely the NPV bill will be re-introduced in the new session in early 2025. At that point, if you believe the current way that we elect the president doesn't make sense, contact your legislators and tell them the Wisconsin legislature should pass the NPVIC.