Our *Winner-Take-All* System: how it is flawed

Jill Fermanich

The National Popular Vote (NPV) bill will guarantee the Presidency to the candidate who receives the most popular votes across all 50 states and the District of Columbia. States that pass the National Popular Vote bill pass state legislation (or laws) to award all of that state's electoral votes to the candidate who wins the popular vote in the **entire nation** (the national popular vote) and not necessarily to the candidate who wins the *state's* popular vote.

Currently, 48 of the 50 states and the District of Columbia use the winner-take-all system and award all of their electoral votes to the candidate who gets the most votes <u>in that particular state</u>. Maine and Nebraska partly award electoral votes based on congressional district. These 48 state legislatures (including Wisconsin) passed state election laws at some time to choose their electors by this winner-take-all system. The candidate who wins the most votes in the state gets all of that state's electoral votes, whether the candidate wins by 100,000 votes or 1 vote.

In order to understand why the National Popular Vote bill is important, it is useful to understand the problems with how we currently elect President and Vice President with the *winner-take-all* system.

Problem #1: The candidate with the most popular votes in the country might not win the Presidency. Five of our 45 Presidents lost the popular vote but won the Presidency. The candidates became President because they won the electoral vote even though they did NOT win the popular vote. In addition to violating the principle of majority rule, this practice can undermine the President's legitimacy and ability to lead.

Just since 2000, it has happened twice that the popular vote winner did not win the presidency. It almost happened another two times due to razor-thin margins in a couple states in 2004 and 2020. With our country now so politically divided, resulting in very close elections, this potential of the Electoral College to reverse the popular vote will presumably happen more often.

Problem #2: **A small number of battleground states can determine who becomes President.** Battleground states, which are also called "purple" or "swing" states, are highly competitive states where the election is very close. The winner-take-all contributions of the electoral votes in these states have historically swung back and forth between the major political parties. And it is these states that determine the outcome of the Electoral College. Tight races in a handful of battleground states have an outsized electoral impact. If a candidate wins the popular vote in a state by only a very few votes, then that candidate still receives all of that state's electoral votes. Close votes in a few battleground states can, and actually did at times, determine the presidency even when the nationwide popular vote was NOT close. In 2016, only 32% of the American population who voted in the presidential election voted in battleground states. Similar patterns have emerged in the other presidential elections. That means that about 68%

of the population do NOT live in the critical battleground states; their votes are essentially immaterial to the election.

In many states the Presidential election is *not* close; those states are referred to as red or blue states. A red state votes reliably Republican, and a blue state votes reliably Democratic. What happens (or is the problem) in these states under winner-take-all? In the 38 states voting reliably red or blue (in other words, the non-battleground states), people preferring the candidate of their state's minority party know that their candidate can't win, and this can discourage them from voting because they think their vote won't count. The 2020 election saw the largest turnout in generations; yet 34% of Americans (80 million voters) did not vote!

Problem #3: Every vote is not equal under the winner-take-all system. The votes of those who vote for their state's second-place candidate under the winner-take-all system are essentially thrown away. Over six million Californians (32%) voted for Donald Trump in 2020. However, none of those six million votes counted once the state winner, Joe Biden, was determined. That is because ALL of California's electoral votes went to Biden. Not one single *electoral* vote was cast for Trump, even though six million people voted for him. The same thing is true for all the 48 states and District of Columbia that use the winner-take-all system. Because California is reliably Democratic, people who vote Republican really don't have their votes counted. And the same is true in reliably red states. In that same election, if you were one of the 5.2 million voters in Texas who voted for Joe Biden, your vote didn't matter, because *all* 38 of Texas's electoral votes went to Donald Trump.

Problem #4: **Battleground states get special attention**. Candidates typically don't focus on issues important to the reliably red or blue states; instead they focus on the battleground states. Campaigns ignore states that are reliably red or reliably blue and spend 94%-99% of their time and money in battleground states. The concerns of voters in battleground states are heard by the candidates. Presidential campaigns ignore approximately 70% of American voters. In addition, battleground states get special favors, such as federal funding and projects from the federal government, even between presidential elections.

The NPV bill would address the shortcomings of the current system by making every vote equally important in every state in every presidential election.

If you believe that the current way we elect the President doesn't make sense, go to https://www.nationalpopularvote.com for more information.