

# The Electoral College and the National Popular Vote Bill

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# Three key points

- The National Popular Vote Bill will guarantee that whoever wins the popular vote will become President.
- The National Popular Vote Bill does not take effect until enough states pass the bill so that collectively they have at least 270 electoral votes.
- “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 ...”

# Why the current Electoral College is problematic

- It does not follow the principle of “majority rules” (or even “plurality rules”).
- It reduces the percent of eligible voters who actually vote.
  - 10 to 16 percentage points lower
- Many votes are discarded.

# Why the current Electoral College is problematic: Many votes don't "count"

- In a very real sense, many votes do not count.
- California (2020)
  - Biden 11,109,764 → 55 Electoral votes
  - Trump 6,005,961 → 0 Electoral votes
- New York (2020)
  - Biden 5,230,985 → 29 Electoral votes
  - Trump 3,244,798 → 0 Electoral votes
- Virginia (2020)
  - Biden 2,413,568 → 13 Electoral votes
  - Trump 1,962,430 → 0 Electoral votes

# Many votes are “discarded”

- How many?
- In 2016, over 54 million!
- Out of 129 million votes cast.
- Over 40%.

The minority political party in non-battleground states may find it difficult to mobilize their own voters.

# Summary of disadvantages of the current implementation of the Electoral College

- The person who loses the popular vote can become President.
- The Presidential general election focuses on a few “battleground” states.
- The system results in fewer eligible voters voting. Unless they live in a battleground state, in a very real sense their vote doesn’t count. Both Democrats and Republicans don’t take the time to vote.
- If no one gets a majority of the electoral votes, the backup plan is very unpalatable.
- Tens of millions of votes are discarded.
- It’s hard for the “minority” political party to mobilize their own voters.

# A Solution: The National Popular Vote Interstate Compact



OBJECTION: We should not “tinker” with the Electoral College. The Founding Fathers created the Electoral College for a reason.

- “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 ...

**OBJECTION:** If the President is elected by popular vote, candidates will only campaign in states such as California and New York that have big populations.

- CA and NY have only 20% of national population.
- No state is monolithic. Remember those 9 million+ Trump voters in CA and NY.

**RELATED OBJECTION:** If we choose the President by popular vote, a few of the most populous states will (allegedly) control the outcome of the election.

- Six states make up about 40% of the nation's population.
  - California, Texas, Florida, New York, Illinois, Pennsylvania
- In 2016, over 20 million votes from these 6 states were discarded.

**OBJECTION:** With the popular vote system, candidates will focus on urban areas. Rural areas will be ignored.

- Ohio was a battleground state. Every vote mattered.
- What did candidates do there?
- Candidates campaigned in urban and rural areas alike.



# Summary of rural states argument

- **In the battleground states, every vote counts and candidates campaign widely in those states.**
- **With NPV, every count will count and candidates will campaign widely.**

# OBJECTION: The National Popular Vote will not pass in states controlled by Republicans.

- Legitimate concern. The NPV has only been passed in states that voted for Clinton in 2016 and Biden in 2020.
- **A majority of voters support NPV.**
  - **Democrats and Republicans**

# Survey results on how the President should be elected.

- Question “The candidate who gets the most votes nationwide should become President.”
- Results of a national survey in 2019

Group	Yes	No	Don't know
All respondents	71%	21%	8%
Democrats	83%	10%	7%
Independents	67%	23%	10%
Republicans	61%	32%	7%

# Survey results in Virginia, 2008

- Question “The candidate who gets the most votes nationwide should become President.”
- Democrats: 82% support
- Independents: 79% support
- Republicans: 60% support



## **OBJECTION: A state legislature that did not like the result of a particular Presidential election could opt out of the NPV Bill.**

- They can opt out, but not during a 6-month period surrounding a Presidential election (between July 20 and January 20).
- Federal law requires that each state's electors be selected under state laws that are in effect on election day.
- The National Popular Vote Interstate Compact is not just a law – it is a contract among all the states that have joined the Compact.
- The election of 2020 gives me confidence that a legislature would not do this.

# WHAT IS THE STATUS OF THE NATIONAL POPULAR VOTE COMPACT?

- NPV has been approved by 15 states plus DC, with a total of 196 electoral votes.
  - 4 Big states: CA, IL, NJ, and NY
  - 7 medium-sized states: CO, CT, MA, MD, NM, OR, WA
  - 4 small states: DE, HI, RI, VT
  - The District of Columbia
- The NPV has been passed in one legislative chamber in 9 additional states.

# WHAT HAS BEEN THE PACE OF PROGRESS TOWARD APPROVING THE NPV?

Year: States that adopted NPV Bill	Year: States that adopted NPV Bill
2007: MD and NJ	2014: NY
2008: HI and IL	2015: None
2009: WA	2016: None
2010: MA and DC	2017: None
2011: CA and VT	2018: CT
2012: None	2019: CO, DE, NM, and OR
2013: RI	2021: Virginia???

# Summary of disadvantages of the current implementation of the Electoral College

- The person who loses the popular vote can become President.
  - *By definition, the person who wins the popular vote becomes President.*
- The Presidential general election focuses on a few “battleground” states.
  - *Every vote is important, so every state is important.*
- The system results in fewer eligible voters voting. Unless they live in a battleground state, in a very real sense their vote doesn’t count. Many Democrats and Republicans don’t take the time to vote.
  - *Every vote is important. **R** in CA & **D** in AL. Higher % will vote.*
- If no one gets a majority of the electoral votes, the backup plan is very unpalatable.
  - *No backup plan is needed.*

# Summary of disadvantages of the current implementation of the Electoral College (con't)

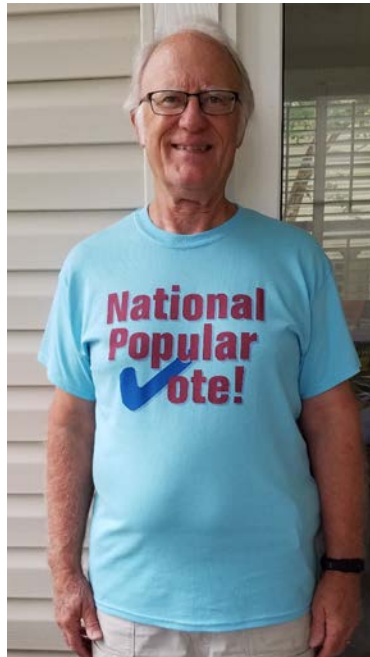
- **Tens of millions of votes are discarded.**
  - *No votes are discarded. Whoever gets the most votes wins.*
- **It's hard for the "minority" political party to mobilize their own voters.**
  - *Both major parties have every reason to mobilize voters in every state.*

# How can **you** help?

- Contact your state legislators.
  - [www.nationalpopularvote.com/va](http://www.nationalpopularvote.com/va)
- How can the League help?
  - See the NPV resource kit
  - Contact legislators
  - Give public talks, encourage public to contact legislators
  - Post cards, phone banking, letters to the editor

# Thanks!

- What questions do you have?



# What about state identity?

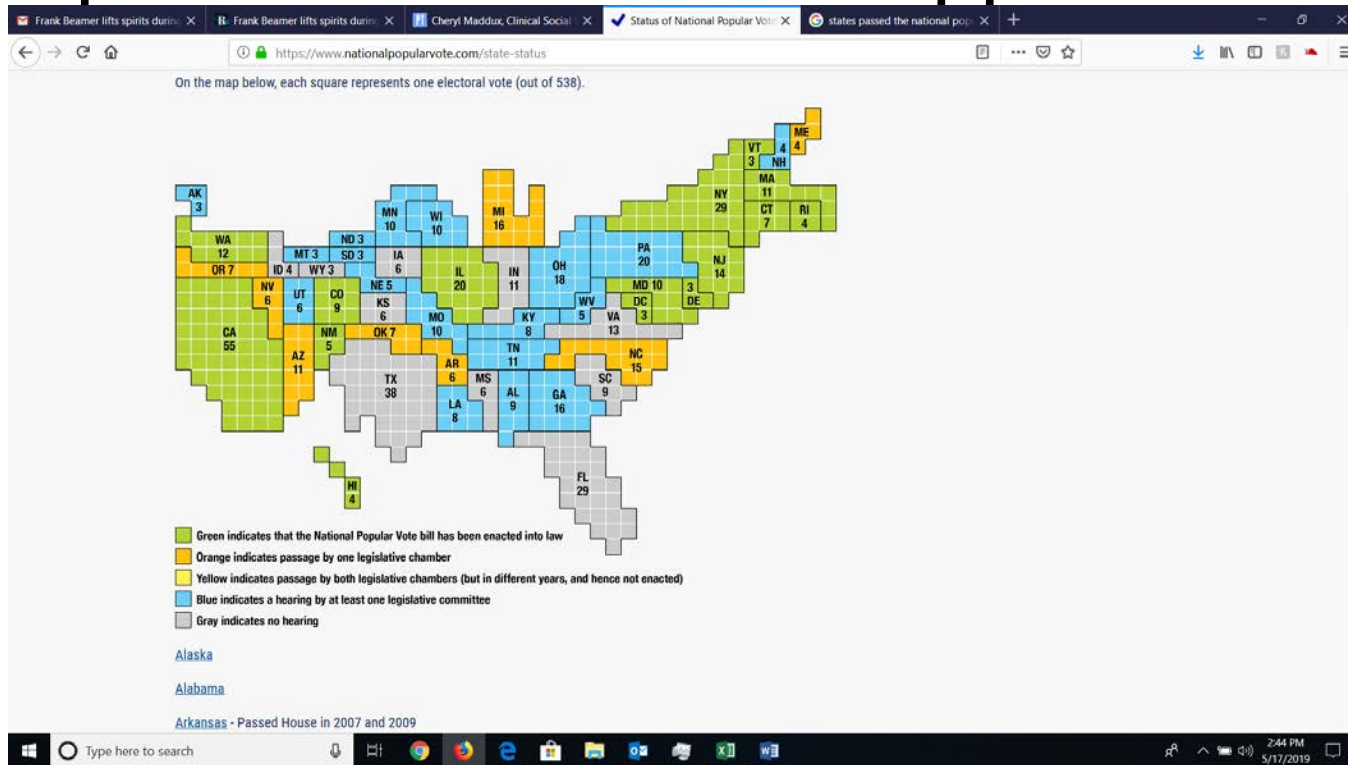
- Q: Won't the people of North Carolina, for example, feel bad about giving all of their electoral votes to one person when the opponent actually won in North Carolina?
- Think about all the disadvantages of the current Electoral College.
- Most people think NPV is the best way to elect the President.
- By then, most people will know that is how the election works.
- The new system is truer to state identity than the old one.



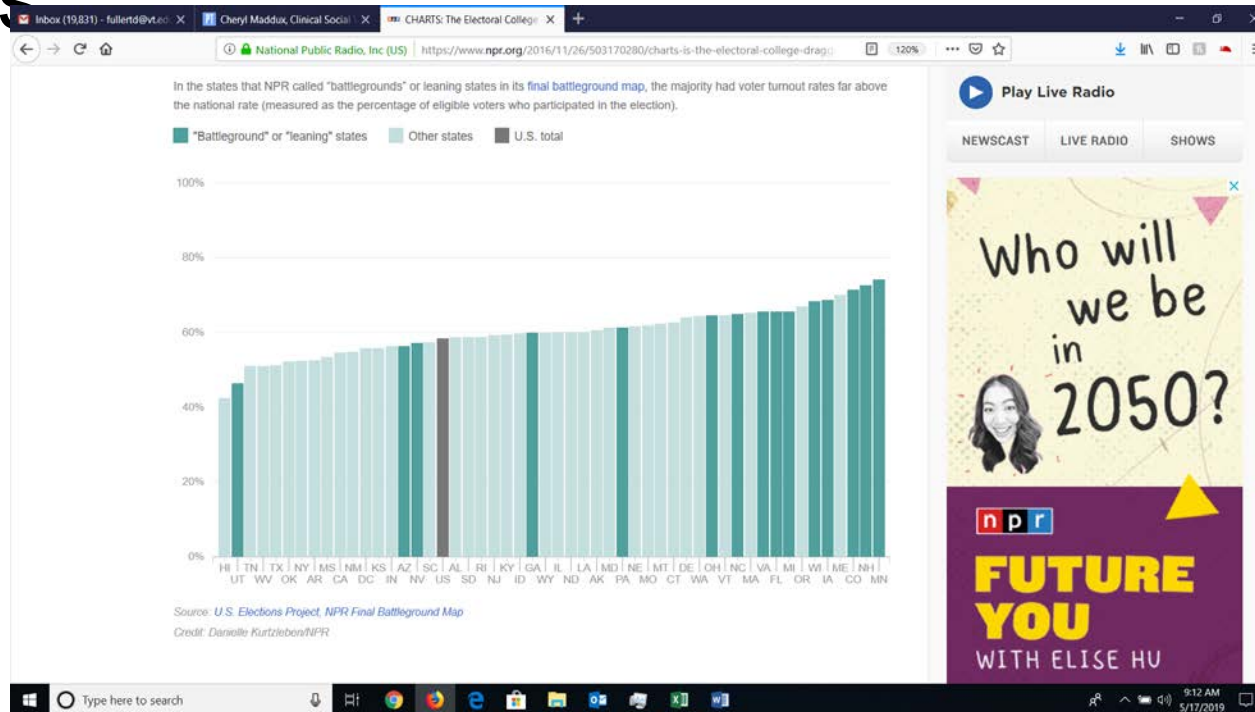
# Wyoming vs California

- WY has 3 electoral votes. Relative to its population, this is 1 electoral vote for every 190,000 residents of WY.
- CA has 55 electoral votes. Relative to its population, this is 1 electoral vote for every 715,000 residents of CA.
- 715,000 divided by 190,000 is 3.76.
- So, each resident of WY has as much weight as 3.76 people in CA.

# Map of states that have approved NPV



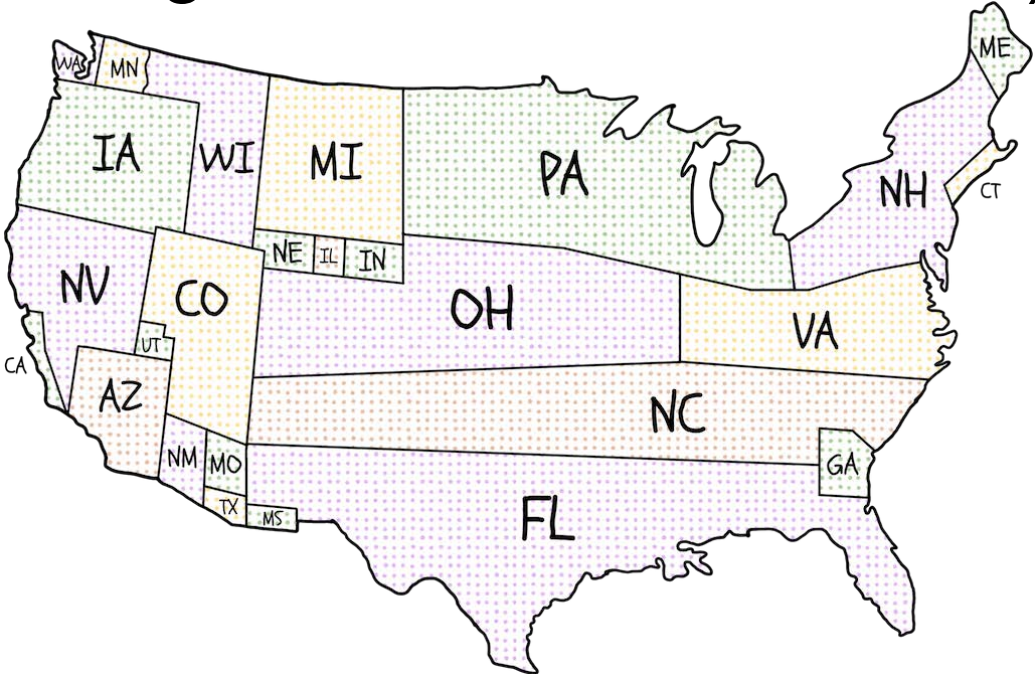
# Voter turnout is higher in battleground states



## **OBJECTION: Faithless presidential electors would be a problem under the National Popular Vote compact.**

- Historically, faithless electors are rare.
- Out of nearly 23,000 electoral votes cast since 1789, only 17 were “deviant”.
- Only one faithless elector thought his vote might affect the outcome of the election. (This was a vote FOR Thomas Jefferson in 1796, but he lost that particular election.)
- Actually, NPV would virtually eliminate the chance that a faithless elector would actually affect the outcome of an election because the NPV would virtually ensure a landslide in terms of the electoral vote.

Map of US with the size of each state proportional to number of campaign events in 2016 (missing states had zero events)



# Small states are just as likely to have passed it as are larger states.

- Small states: 4 of 12 (33%)
- Other states: 11 of 38 (29%)