

The LWV considered the arguments against NPV and has weighed those arguments to be invalid or insignificant compared to our democracy's need to move forward to "one person – one vote". Listed here are some of these concerns, and then, how the concerns are inaccurate. The League reached consensus to support the National Popular Vote Interstate Compact in 2010. A more comprehensive list of concerns and responses can be found at <https://www.nationalpopularvote.com/answering-myths>, and in the book, "Every Vote Equal" by John Koza, et. al.

Small States Concern – National Popular Vote will lessen the need of presidential candidates to campaign for voters in rural areas and small states.

Response – Currently, battleground states, not small states, get all the campaign visits.

* With the current system many small states now get almost no presidential campaign visits because they are safely D or R. Ignored states are both D and R.

* Data from the 2012 general election:

-12 small ignored states pop = pop of OH; 12 small states total 40 electoral votes and OH has 18 electoral votes. But still OH got 73 campaign visits. 12 small ignored states got 0 campaign visits.

-NH (only small state to get visits) did get 12 visits because is a closely-divided battleground state.

-Only 3 of smallest 25 states matter and got any events: NV, IA, NH because they are closed divided.

* 6 of the states that have passed NPVIC are small states.

Big Cities Concern – The National Popular Vote would shift political battles to the big cities.

Response – Evidence does not support this. Big cities do not have enough votes to win the election.

*Big cities are assumed to be bigger than they are.

(10 biggest cities = 8% U.S. pop; 50 biggest cities = 15% U.S. pop)

- 100 biggest cities = 1/6 (17%) U.S. pop and vote 63% democrat

- Rural = 1/6 U.S. pop and vote 60% republican

- Suburbs = 2/3 U.S. pop and vote evenly divided

* If this concern were true you should see evidence of this shift to big cities today. Real data from OH, a battleground state shows:

- 4 biggest OH metro areas – 54% pop got 52% of campaign events

- 7 mid-size metro areas – 23.6% pop got 23.3% of campaign events

- rural areas – 22% pop got 25% of events

Big States and Big Counties Concern – Big states and big counties would get all the power.

Response - This is a false argument because it assumes that 100% of the voters in these highly populated areas will all vote the same way.

*Political reality is that no presidential candidate received more than 63% of the popular vote in any of the 12 biggest states' presidential elections between 1988 and 2016.

*Half of U.S. population lives in the 12 biggest states and half of population lives in just 60 counties, but they do *not* control the outcome of elections. Compare 2004 (Bush/Kerry) election and 2012(Romney/Obama) election.

- Bush won the 38 smallest states popular vote and won the election.

- Obama won the 12 biggest states popular vote and won the election.

Fraud Concern – Voter fraud is minimized with current system because it is hard to predict where stolen votes will matter.

Response – The opposite is true. Voter fraud would be made less consequential with NPV.

*Fraudulent votes matter the most in battleground states where a small number of people can have a very large impact in determining all the electoral votes for a whole state.

-537 popular votes in FL flipped enough electoral votes in 2000 to determine the president (537 votes would have been insignificant in the 105 million votes cast nationally.)

*It is harder to mobilize massive voter fraud on a national level than in a few key states.

*Fraud by a single large pool of votes is less likely to affect the outcome of a presidential election with the NPV system than with the current method.

Totally Partisan Issue Concern – NPV benefits Democrats more than Republicans.

Response - NPV has received bi-partisan support in states where this legislation has been adopted.

*NPV will benefit ALL VOTERS because candidates will no longer focus their time and money only on the 6-12 battleground states.

*With NPV, Republican voters in Democratic states will not be erased, but rather, be counted equally in a national tally. Similarly, Democratic voters in Republican states will be counted equally.

*“One Person-One Vote” will determine our President.

*In Missouri in the past, both Democrats and Republicans have sponsored NPV legislation.

Constitutionality Concern – NPV violates the U.S. Constitution.

Response – National Popular Vote is a constitutionally conservative, state-based approach that does not alter or violate the U.S. Constitution and retains the electoral college and state control of elections.

*For NPV, states still appoint electors per the U.S. Constitution. Our Constitution does not require a state-level tally “winner-take-all” rule.

*The writers of the Constitution did not discuss how “winner take all” state rules may disenfranchise voters.

*Historically, each state’s dominant party instituted “winner-take-all” to maximize political party power. MO Senator Thomas Hart Benton(1824) warned that the “winner-take-all” was not intended to give fair play to the will of the people. It was adopted to enable the leading men of the state to consolidate the vote of the state. NPV increases individual voter power rather than allow political parties to increase their power.

*Supreme Court has not ruled to restrict states from using whatever method they want to appoint their electors, “The appointment and mode of appointed of electors belong exclusively to the states.” (Article II, Section One) Neither Maine nor Nebraska use the “winner-take-all” method and it has been challenged in court.

Republic Concern – NPV violates the “republic” ideal of the U.S. Constitution

Response - The U.S. will remain a republic with the NPV approach to awarding electors.

*Popular election of the chief executive does not determine whether a government is a republic or a democracy. We are still electing a president to represent the governed and conduct the business of government. With NPV we are NOT a pure democracy where every person votes on every policy and law.

*We currently elect many officials across the nation with a popular vote – school board members, mayors, governors, representatives, and senators.

*With NPV, states maintain primary responsibility for the ballot and for qualifications of voters and does NOT centralize federal power.

*The EC was not designed for minority rule. Virtually everything in the Constitution was geared toward producing representative majorities that could govern on behalf of the country.

Recounts Concern – NPV would result in constant recounts.

Response – In fact, the National Popular Vote would make recounts much less likely.

*Historically, disputes have been much more common under current presidential electoral system when compared to state general elections.

- only 22 recounts in 4072 state general elections (1 in 185 elections) (yrs 2000-2012)

- 5 recounts in 57 presidential elections

*Recounts become less likely as the pool of votes becomes larger.

*Current system produces artificial crisis that would not have arisen if it had been a larger pool of voters.

*States could choose to keep same recount triggers or not.

*Regardless of the election system, there does need to be improvement in recount laws, as the early winner is currently motivated to just keep the election result in court until the date passes to certify the election.

15% Pres. Elections/Regional and Extremist Candidates/2-party system Concerns - The winner is the person with the “largest total” number of votes, a majority is not required and a minimum plurality is not required, so the president could become someone with only a small number of supporters.

Response

*Many presidents did not win the majority of popular votes. Lincoln had only 39%.

*There is no past evidence out of thousands of plurality elections across the country (state or regional) that winners get only 15% of the votes. The concern is simply hypothetical.

*With the current system in states (direct election of governors and senators), no regional parties have formed in areas across the nation. Similarly, no extremist candidates have won statewide contests with direct popular vote.

*No history of a breakdown of the 2-party system. A 2-party system is sustained when plurality voting is used to fill an office - Duverger's Law, based on worldwide study of elections.

Post-election Change of Rules Concern – A state legislature could convene a special session to change their elector appointments after the election and before the President has taken office.

Response – This is illegal.

*If this can be done with the NPV, then it could be done with our current election state-by-state winner-take-all system, but no state has tried to change the rules after November election.

*NPV compact states that no member state can withdraw before the President and VP have taken office.

*U.S. Constitution (Art 1, Sec 10), no state shall pass any law impairing Obligation of Contracts.

Missing votes and hurricanes Concerns – Bad weather might delay vote counts until after the electoral college meets. Provisional ballots take much time to be counted.

Response

*Additional personnel can be used to get the count done before the electoral college meets in mid-December.

*Current state by state electoral college vote is more susceptible to the delay because a smaller number of votes can affect the determination of all the electors for a state.

*NPV minimizes the effect of the weather because the outcome of a presidential election is less likely to be changed because the number of regional votes is a smaller portion of a big national total. Regional votes are a larger proportion of a state's total voting, and thus, make weather a larger worry in our current system.

Single State Veto Concern – Any state can frustrate the purpose of NPV by not allowing their citizens to vote for president and allow the legislators to just choose the electors.

Response – NPV legislation takes this into account.

*Compact prevents one-state veto by only counting the votes from states that have a statewide popular election.

*If a state legislature tries to go around the popular vote by going away from the short presidential ballot (going back to electors on the ballot) then the Compact will not count the votes from that state either.

*The single state veto that comes from a state legislature will not work to null the NPV, but rather, will only disenfranchise the voters of that state.