

## National Popular Vote Interstate Compact

Since 1970, the League of Women Voters of the United States has had a position supporting the direct election of the president by popular vote, because it is deemed essential to representative government. However, as we all remember from civics class, the popular vote is not the determining factor in a presidential race – what matters is the vote in the Electoral College.

Under our Constitution, each state sends Electors to the Electoral College equal to the number of United States senators and congressional representatives from that state. For example, Ohio has 18 congressional representatives and two senators, so it sends 20 electors to the Electoral College. In 48 states, including Ohio, the winner of the popular vote in that state receives *all* of that state's votes in the Electoral College – regardless of how close the election was. This state-by-state “winner take all” strategy generally produces the same result as the popular vote. However, Presidents John Quincy Adams (1824), Rutherford B. Hayes (1876), Benjamin Harrison (1888) and George W. Bush (2000) were not the winners of the national popular vote.

Another consequence of the president being elected by the Electoral College rather than by direct popular vote is that presidential candidates take certain states—even very large states—for granted. For example, the California general election is routinely won by the Democratic candidate, and the Texas general election is routinely won by the Republican candidate, so the candidates don't bother to campaign there during the general election cycle. Other states such as Ohio and Michigan are 50-50 states – sometimes going for the Democratic presidential candidate and sometimes for the Republican. They become the battleground states. So, presidential candidates end up focusing on just a few strategic states in the general election, rather than trying to capture the national popular vote.

One way to ensure that the winner of the national popular vote is elected president is to amend the United States Constitution. The drafters of the Constitution intentionally made this a difficult process. It requires a two-thirds majority vote of both branches of Congress, or a constitutional convention called by two-thirds of the states with ratification of the proposed change by three-fourths of the states. Legislation has been introduced in Congress in each session since 1971 to implement this reform, but it has never passed both the U.S. House and Senate.

Another way is to creatively use the right of states to enter into a binding agreement, or “compact,” with other states. Under the terms of the proposed National Popular Vote Interstate Compact, states would agree to cast all of their electoral votes for the national popular vote winner, even if the presidential candidate is not the winner in their own state. The compact would go into effect when states with at least 51 percent of the Electoral College votes have joined in

the compact. Right now there are a total of 538 electors sent to the Electoral College. When states whose combined total of at least 270 electoral votes have joined to compact, the compact would go into effect. Those states would cast their votes for the winner of the national popular vote, no matter what the results were in their own states. If as few as eleven states – California, Texas, New York, Florida, Illinois, Pennsylvania, Ohio, Michigan, Georgia, New Jersey and North Carolina – entered into the compact, the vote in the Electoral College would match the national popular vote because those states control 271 of the votes in the Electoral College.

So far only one state, Maryland, has joined the compact. Similar legislation has been introduced in 42 other states, although nothing has been introduced in Ohio—yet. If it were introduced in Ohio, we would have to decide whether to continue being an important battleground state or whether to make the entire country the battleground.