



## ***National Popular Vote Frequently Asked Questions***

*This document is designed to answer questions members of the public often ask about the National Popular Vote, National Popular Vote Interstate Compact and related issues. For more information, visit our website [www.lwvfl.org/issue/npv](http://www.lwvfl.org/issue/npv)*

### **1. Why should states adopt the National Popular Vote?**

States should adopt the National Popular Vote for the same reason that they elect all of their other public officials: the person who wins the most votes wins is elected to the office. In the case of the national election, the winner of the most votes in all 50 states and the District of Columbia should win the presidency. Americans elect all of their public officials by popular vote except two—the President and Vice President of the United States. The National Popular Vote would honor the will of the people, just as it does in every other public election, from mayor to governor to congressmen and senators.

### **2. Why isn't this the law of the land now?**

The National Popular Vote is not the law of the land because of a practice called the “winner-take-all” method of selecting the President of the United States. Since the 1800s, states have instructed their electors to vote for the candidate who wins the most votes in the state—“winner-take all”-- rather than the candidate who wins the most votes in the nation, including all 50 states and the District of Columbia. This means that in five elections, candidates who didn't win the National Popular Vote became president. It also means that presidential candidates focus only on about 12 battleground states and ignore the 38 spectator states and their voters.

### **3. Isn't the “winner- take-all” method in the Constitution?**

“Winner-take-all” is not in the Constitution, and there is enough evidence that some of the Founders, such as James Madison, were very uncomfortable with the possibility of this system. It wasn't until several decades after the Constitution was signed that states began individually passing local “winner-take-all” laws. By the end of the 1800s, “winner-take-all” practices had been implemented in 48 states and the District of Columbia; two, Nebraska and Maine, use district voting. These are state laws that have nothing to do with the Constitution.



#### **4. Wouldn't the National Popular Vote require a Constitutional amendment?**

No. The National Popular Vote is entirely in keeping with the U.S. Constitution, Article II, Section I which gives states the exclusive power to choose how they select and instruct their electors. Just as states chose to adopt the “winner-take-all” laws, they have the power to repeal them. Today they can join the National Popular Vote Interstate Compact, which is an agreement among states that enact National Popular Vote legislation to instruct their electors to select the presidential candidate who wins the most votes in all 50 states and the District of Columbia.

#### **5. How many states want the National Popular Vote?**

Many have instituted the National Popular Vote and many others are considering it, since polls over the past 40 years consistently show that the majority of the American public is in favor of the National Popular Vote. Right now, eleven states and the District of Columbia have passed local National Popular Vote legislation, which accounts for 172 electoral votes—just 98 electoral votes short of the 270 needed to activate the National Popular Vote for the electing the President and Vice President. The country is 63% of the way to electing the President by popular vote; at least 20 states are actively considering local National Popular Vote bills.

#### **6. Isn't the National Popular Vote really just an end-run around states' rights?**

Quite the opposite. Under the National Popular Vote, states maintain their constitutional right to instruct their electors in any way they see fit and thus continue to control national elections as our Founders intended. States can choose to join the National Popular Vote Interstate Compact or not; likewise, they can choose to leave it later on. The electoral system remains unchanged regardless of what method states choose in instructing their electors.

#### **7. With the National Popular Vote won't rural areas be ignored in favor of big cities?**

The electoral system is not altered by the National Popular Vote nor does it go away. Instead, every American's vote would count. A vote cast in a big city would be no more or less valuable or controlling than a vote cast anywhere else (See John Koza, NPV). There is no evidence that candidates ignore rural areas or favor big cities when campaigning in battle ground states where every vote counts. With the National Popular Vote, rural areas are just as likely to get attention as urban centers, based on how candidates currently campaign in battle ground states where the outcome is a tossup. It is worth noting that 21% of the population lives in rural areas, generally voting along red lines; 26%



of the population lives in urban areas, generally voting along blue lines, and all other Americans live in the suburbs which are generally evenly split.

**8. Won't states that typically vote Republican or Democrat be ignored?**

No. The National Popular Vote would incentivize candidates to campaign in a far greater number of states, and thus be seen and selected by far more people than they do now. Because of "winner-take-all" practices, voters in 38 states who prefer the candidate of their state's minority party know their votes don't matter and often do not bother to turn out on Election Day, which also affects down-ballot races. Thus, the several million Republican voters in blue California do not count in Presidential elections any more than the several million Democratic voters in red Texas. The National Popular Vote would motivate these Americans to vote in national elections because their votes will count at the national level when it comes to electing the President.

**9. Who's supporting the National Popular Vote efforts?**

Democrats and Republicans, including President Donald Trump, support having the winner of the popular vote elected President. Bipartisan organizations such as the League of Women Voters and private citizens work to educate citizens and legislators about the benefits of the National Popular Vote for our country, often without any type of funding. Groups working to reform our electoral system include the National Popular Vote organization, funded primarily by John Koza, a successful inventor, and Fair Vote, which is funded by various foundations.

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