

# The National Popular Vote Plan: A possible course of reform for the Electoral College

## Abstract

Does the Electoral College establish a system to elect U.S. presidents that truly represents the will of U.S. citizens? This question is subject to much debate in political science. Advocates of Electoral College reform assert that it fails to uphold the democratic principle of majority rule.<sup>1</sup> One possible course of reform is the National Popular Vote Plan, in which member states pledge to award their Electoral College votes to the winner of the national popular vote.<sup>2</sup> In order to determine the validity of this proposal, the advantages and disadvantages of this reform must be considered.

## Disparities in representation

- Inverse elections, where a presidential candidate wins the Electoral College absolute majority but not the popular vote, have occurred under the Electoral College system. This occurred most recently in 2016, with a difference in the popular vote of almost 3 million votes<sup>3</sup>, and in 2000, with a difference of almost half a million votes.<sup>4</sup>
- Due to the disproportionate distribution of electoral votes relative to population, some citizen’s votes count more than others’ do.<sup>1,5</sup>
- Due to the winner-take-all system, where most states distribute all of their electoral votes to the presidential candidate who wins the majority vote in their state, states whose majorities consistently support one party see far less campaigning and less campaign policies directed toward them.<sup>6</sup>
- U.S. citizens of U.S. territories (Puerto Rico, Guam, U.S. Virgin Islands, American Samoa, and the Northern Mariana Islands) do not get a vote.<sup>1</sup>
- It is possible to win the presidential election with a staggering minority of the popular vote.<sup>7</sup>

## Supporting statistics

- “In 2012, only 10 states drew the major party presidential candidates for post-convention campaign events, and those same 10 states attracted 99.6% of all general election television advertising spending by the campaigns and their allies.”<sup>8</sup>
- “94% of [general election campaign] events (375 of 399) were in 12 states [in 2016].”<sup>9</sup>
- Researchers found that in 2000 it was possible to win the presidential election with just 20-22% of the national popular vote, and in 2004 it was possible to win with just 21-23%.<sup>7</sup>
- Table: Vote weight by state relative to the national average for 2008 and 2004.<sup>5</sup>

The higher the number, the less each voter's voice counts.		565,166		
2008 National Average of voters per elector		545,828		
2004 National Average of voters per elector		2008		2004 voters in this state's vote meant...
2008 population est.	2008 electoral votes	% vs. Nat. Avg.	% vs. Nat. Avg.	(nat. avg. 2008 vs. 2004)
United States	304,059,724	538	100%	100%
Alabama	4,661,900	9	109%	108% less
Alaska	686,293	3	247%	250% more
Arizona	6,500,180	10	87%	95% more
Arkansas	2,855,390	6	119%	119% unchanged
California	36,756,666	55	85%	84% less
Colorado	4,939,456	9	103%	107% more
Connecticut	3,501,252	7	113%	109% less
Delaware	873,092	3	194%	197% more
District of Columbia	591,833	3	286%	296% more
Florida	18,328,340	27	83%	85% more
Georgia	9,685,744	15	88%	93% more
Hawaii	1,288,198	4	175%	173% less
Idaho	1,523,816	4	148%	157% more
Illinois	12,901,563	21	92%	90% less
Indiana	6,376,792	11	97%	96% less
Iowa	3,002,555	7	132%	129% less
Kansas	2,802,134	6	121%	120% less
Kentucky	4,269,245	8	106%	105% less
Louisiana	4,410,796	9	115%	109% less
Maine	1,316,456	4	172%	168% less
Maryland	5,633,597	10	100.3%	98% less
Massachusetts	6,497,967	12	104%	102% less
Michigan	10,003,422	17	96%	92% less
Minnesota	5,220,393	10	108%	107% less
Mississippi	2,938,618	6	115%	113% less
Missouri	5,911,605	11	105%	104% less
Montana	967,440	3	175%	177% more
Nebraska	1,783,432	5	158%	156% less
Nevada	2,600,167	5	109%	117% more
New Hampshire	1,315,809	4	172%	168% less
New Jersey	8,682,661	15	98%	94% less
New Mexico	1,984,356	5	142%	143% more
New York	19,490,297	31	90%	88% less
North Carolina	9,222,414	15	92%	96% more
North Dakota	641,481	3	264%	258% less
Ohio	11,485,910	20	98%	95% less
Oklahoma	3,642,361	7	109%	108% less
Oregon	3,790,060	7	104%	106% more
Pennsylvania	12,448,279	21	95%	92% less
Rhode Island	1,050,788	4	215%	202% less
South Carolina	4,479,800	8	101%	104% more
South Dakota	804,194	3	211%	212% more
Tennessee	6,214,888	11	100.03%	102% more (and closest to average)
Texas	24,326,974	34	79%	83% more (and voters votes mean the least)
Utah	2,736,424	5	103%	114% more
Vermont	621,270	3	273%	264% less
Virginia	7,769,089	13	95%	95% unchanged
Washington	6,549,224	11	95%	97% more
West Virginia	1,814,468	5	156%	150% less
Wisconsin	5,627,967	10	100.4%	99% less
Wyoming	532,668	3	318%	323% less (and voters votes mean the most)

134% (shows chart leans more heavy than light on average percentages)

19 states out of 50 states + DC saw their voter's voice mean more in 2008 vs. the national average compared to 2004.  
36 of 50 states + DC have a greater percentage than the national average

Source: [https://www.fairvote.org/population\\_vs\\_electoral\\_votes](https://www.fairvote.org/population_vs_electoral_votes)

## The National Popular Vote Plan (NPVP)

- Member states pledge to award their electoral votes to the winner of the national popular election.<sup>2</sup>
- Article II, Section 1 of The Constitution already grants state legislatures absolute power over how their Electoral College electors are appointed.<sup>10</sup>
- The National Popular Vote bill has passed in 15 states and the District of Columbia, possessing 196 electoral votes in total, and will take effect when additional states possessing 74 more electoral votes pass the bill to bring the total to at least 270 electoral votes.<sup>11</sup>
- Even without passing the National Popular Vote bill in every state, an absolute majority of 270 electoral votes would guarantee that the winner of the popular vote will win the election.
- A provision in the NPVP implies that non-member states that fail to hold direct popular vote elections will not be included in the determination of the national popular vote winner (though all states currently hold these elections).<sup>2</sup>

## Advantages of the National Popular Vote Plan

- Presidential campaigns would be forced to appeal to the entire electorate.<sup>12</sup>
- The candidate with the majority of votes will win the presidency (no more inverse elections).<sup>8</sup>
- Electoral gridlock, where no candidate wins the absolute majority of 270 electoral votes, will no longer be possible.<sup>2</sup>
- Passing the National Popular Vote bill does not require a constitutional amendment, which would require 38 States to ratify an amendment.<sup>2</sup>
- Non-member states are still compelled to hold national popular vote elections.<sup>2</sup>

## Disadvantages of the National Popular Vote Plan

- In a multicandidate election, the winner of the popular vote may not have had an absolute majority of 270 electoral votes under the current system, possibly leading to controversy.<sup>2</sup>
- U.S. citizens of U.S. territories will still be unable to vote in the presidential election with no Constitutional amendments being made.
- No official body designates the national popular vote winner.<sup>2</sup>
- The NPVP cannot compel non-member states to recount votes in the event of close popular election results.<sup>2</sup>
- If a non-member state fails to be included in the determination of the national popular vote winner and this changes the result of the election, it will lead to controversy.<sup>2</sup>

## Discussion

The Electoral College creates unequal representation and leads to unequal campaigning in the electorate. Furthermore, it can lead to inverse elections, in which the winner of the 270 majority electoral votes may not be the winner of the national popular vote. The National Popular Vote Plan is a viable solution to this problem. Though U.S. Citizens of U.S. territories are still excluded from the vote under this plan; the NPVP appears to have the least barriers to implement, and the most backing, out of any viable plans for a national popular vote. Implementing a popular vote is crucial to equalize the weight of individual votes in a national popular election, to make presidential campaigns more accountable to the entire electorate, and to avoid another inverse election.

## References

- Bolinger et al., 2007, *ISSR*, 10.2307/41887327
- Miller et al., 2012, *PC*, 10.1007/s11127-011-9874-z
- 2000 Presidential General Election Results, 2001, *FEC*, <https://transition.fec.gov/pubrec/2000presgeresults.htm>
- Federal Elections 2016, 2017, *FEC* <https://transition.fec.gov/pubrec/fe2016/federalelections2016.pdf>
- Population vs. Electoral Votes, 2008, *FairVote*, <https://d3n8a8pro7vhmx.cloudfront.net/fairvote/pages/199/attachments/original/1450119297/2008votersperelector.pdf?1450119297>
- Florey et al., 2017, *CWRLR*, 10.2139/ssrn.3000008
- Yang et al., 2008, *OR/MST*, vol. 35, no. 5, p. 34+
- Richie et al., 2013, *PSQ*, 10.1111/psq.12027
- Two-Thirds of Presidential Campaign Is in Just 6 States, 2016, *NPV*, <https://www.nationalpopularvote.com/campaign-events-2016>
- U.S. Constitution: Article II, *Cornell Law School*, <https://www.law.cornell.edu/constitution/articleii>
- Status of National Popular Vote Bill in Each State, 2020, *NPV*, <https://www.nationalpopularvote.com/state-status>
- Richie et al., 2007, *NCR*, 10.1002/ncr.166