

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 inconsequential. 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.

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

Response – NPV 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. Constitution does not require "winner-take-all rule.
- \*Historically, each state's dominant party instituted "winner-take-all" to maximize the party's power.
- \*Sen. MO Senator Thomas Hart Benton 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 man of the state to consolidate the vote of the State. (1824)
- \*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.
- \*Some concern exists that popular vote of the president violates the "republic" that is the United States. However, we elect every other office across the nation with a popular vote – mayors, governors, representatives, and senators.

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

Response – Facts do not support this.

- \* With the current system many small states now get almost no presidential campaign visits (states are both D and R) because they are safely D or R.
  - 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.
- \* Current system shifts power for voters of small & med-sized states to voters in a handful of big states that happen to be battleground states.
- \* 4 of the states that have passed NPVIC are small states.

### Big Cities Concern – NPV would shift political battles to the big cities.

Response – Evidence does not support this.

- \*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 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 cities 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 candidate received more than 63% of the popular vote in presidential elections between 1988 and 2012.

\*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. Look at 2004 (Bush/Kerry) election and 2012 (Romney/Obama) election.

- Bush won 38 smallest states pop vote, Kerry won 12 biggest states popular vote.

- Obama won 12 biggest states pop vote, Romney won 38 smallest states popular vote.

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 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.

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 the current method of state-by-state winner-take-all electoral college.

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 personal 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 are a smaller portion of a big national total. Regional votes are a larger proportion of a state’s total voting which is used in the current method, and thus, make a weather a larger worry.

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.

\*These single state veto that come from state legislatures will not work to null the NPV, but rather, will only disenfranchise the voters of that state.

Recounts Concern – NPV would result in constant recounts.

Response – In fact, NPV 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.

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

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

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

\*It will benefit all voters because candidates will no longer focus their time and money only on the 6-12 “battleground states”.

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

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