



Legislator briefing package for the National Popular Vote Interstate Compact

Most voters take for granted that when they go to the polls, every vote cast will matter, and the candidate with the most votes wins. But with winner-take-all Electoral College voting, just a dozen battleground states with only 33% of the U.S. population decide who becomes president. Candidates ignore Connecticut because our votes don't matter.

The **National Popular Vote Interstate Compact** is an agreement among states to elect the President according to the will of the majority in a manner consistent with the Constitution. It's a nonpartisan solution to make everyone's vote for president matter—regardless of whether they live in blue, red or battleground states—and to make the winner the candidate with the most votes, just the way members to the CT General Assembly and statewide office are elected.

States that join the Compact pledge to award their electors to the candidate who receives the most popular votes in all 50 states. The Compact comes into force once it has been adopted by states that collectively have 270 electoral votes, the number needed to elect the President. To date, 10 states and the District of Columbia have joined the Compact, representing 165, or 61 percent, of the 270 electoral votes needed for the Compact to take effect.

By the end of the 2017 CT General Assembly session, 68 legislators had co-sponsored H.B. 5434, *An Act Adopting The Interstate Compact To Elect The President By National Popular Vote*, more than ever before. The NPV Compact has received a joint favorable vote out of the GAE Committee five times since 2009, when it passed the House.

National Popular Vote CT is a team of citizen volunteers leading a grassroots movement to get the Connecticut General Assembly to join the National Popular Vote Interstate Compact. Enclosed are 10 reasons why we believe you should co-sponsor the NPV bill that was raised by the General Elections and Administration Committee. Also included is information responding to common misconceptions of the Compact.

For further information, please contact us at npvconnecticut@gmail.com or check us out at npvct.com or on Facebook.com/[NationalPopularVoteCT](https://www.facebook.com/NationalPopularVoteCT) and [@NPVct](https://twitter.com/NPVct) on Twitter.

Thank you,

National Popular Vote CT



10 Reasons to support the National Popular Vote Compact

1. **The National Popular Vote Interstate Compact is a nonpartisan solution to make everyone's vote for president matter**—regardless of whether they live in blue, red or battleground states—and to make the winner the candidate who receives the most votes, just the way members to the CT General Assembly are elected.
2. **The League of Women Voters endorsed the Compact** in 2010 saying, “We support the use of the National Popular Vote Compact as one acceptable way to achieve the goal of the direct popular vote for election of the president until the abolition of the Electoral College is accomplished.”
3. **Candidates ignore Connecticut because it's reliably blue**, just as they ignore other predictably Republican and Democratic states. Of the nearly 400 general election campaign events in 2016, 94% were held in the 12 battleground states; only one was held in CT.
4. **The Compact has widespread public support.** In a 2009 Public Policy Polling survey of CT voters, three-quarters of Democrats and two-thirds of Republicans agreed that the President should be the candidate who receives the most popular votes in all 50 states. In a 2017 nationwide survey conducted by Make Every Vote Count, 7 of 10 U.S. adults favored a national popular vote.
5. **The Compact upholds federalism**; it isn't an “end-run” on the Constitution. Article II gives exclusive power to the states to decide how to vote their electors: “Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors.” It wasn't until the 1820s that states began adopting the winner-take-all method of voting electors that renders voters in spectator states like CT irrelevant.
6. **Candidates will still pay attention to rural areas and small towns**, just as statewide candidates in Connecticut visit small and rural towns. When candidates campaign in battleground states they visit all parts of the state, not just the urban centers like Philadelphia, Detroit and Miami.
7. **Connecticut voters casting ballots for Republican presidential candidates could have stayed home for the last quarter century**; their votes didn't matter. A Republican hasn't won Connecticut's Electoral College vote since George H.W. Bush in 1988. It's time to stop disenfranchising these voters.
8. **The Compact is not a response to the 2016 election**; it has been considered by the CT General Assembly six times over the past decade. It was voted out of the GAE Committee on bipartisan votes until 2017, it passed the House in 2009.
9. **Battleground states get more federal dollars.** On average, they receive 7.5% more of the hundreds of billions of federal grant dollars than other states. CT is losing out because our voters don't matter.
10. **The Compact has received bipartisan support in many states**, most recently passing the NY legislature in 2014 (48 of 68 Republicans and 111 of 128 Democrats voted in favor). The bill has been introduced in all 50 states at one time or another, and has passed in 35 legislative chambers in 23 states, including red and purple states such as AR, AZ, CO, NC, NV, OK. To date more than 3,100 state legislators have either co-sponsored or cast a vote for NPV Compact bills. With 10 states and D.C. in the Compact, representing 165 electoral votes, the Compact is more than halfway to the 270 votes required for it to come into effect.

If you have questions about the National Popular Vote Compact, please contact NPVct at npv.ct@icloud.com



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Taking on Myths about the National Popular Vote Interstate Compact

The National Popular Vote Interstate Compact (the “Compact”) is a solution to elect the President according to the will of the majority in a manner consistent with the Constitution. States that join the Compact pledge to vote all of their electors for the candidate who receives the most popular votes in all 50 states. The Compact comes into force once it has been adopted by states that collectively have 270 electoral votes, the majority needed to elect the President.

To date, 10 states¹ and the District of Columbia have joined the Compact, representing 165, or 61 percent, of the 270 electoral votes needed for the Compact to take effect.

These are the most common critiques of the Compact and why we believe they don't have merit.

1. The Compact is an “end run” around the Constitution

As befits our federal system of government, the Constitution leaves it up to the states to decide how to vote their electors. It reads, “Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors.” It wasn't until the 1820s that states began adopting the winner-take-all method of voting electors that is today used by 48 of the 50 states. The Compact does not abolish the Electoral College, it merely provides for a different method for states to vote their electors.

2. The Compact will disenfranchise Connecticut voters because the state may cast its electoral votes for a candidate who did not win the state's popular vote

The Compact does exactly the opposite; it makes every vote matter. In the 2016 election, 673,215 CT voters cast their ballot for Trump. Because we use winner-take-all, their votes made no difference to the outcome. They could have all stayed home and the Electoral College count for Trump would have been exactly the same. In fact, for the past 30 years no vote cast for a Republican presidential candidate in CT had any impact on the outcome.

There is no such thing as the “Connecticut vote.” Individuals cast votes; that's how they should be reflected in vote counts, as they do every other election in the country. Saying our votes don't matter because the nation votes differently than Connecticut is like saying a town's voters are disenfranchised because the majority in the town voted for the Republican gubernatorial candidate but the state overall went for the Democratic candidate.

Most voters look at overall election results, not just the state outcome. That's why in a just conducted poll, 78% of Connecticut voters, including 92% of Democrats and 62% of Republicans agree that the person with the most votes nationwide should be elected president.²

3. The Compact isn't fair because the votes of large cities will dominate rural areas and liberal voters in New York and California will decide the election

There are fewer than 50 cities with a population of more than 500,000. It's the 87% of the population living outside large cities (15% in rural areas) that would have voting power in a direct election. In battleground states such as Pennsylvania and Florida, candidates today canvass the entire state, not just Philadelphia and Miami. In CT, candidates for statewide office campaign all across the state because every voter is as important as the next, and cities alone do not determine the election.

Suggesting that voters in NY and CA will overwhelm all other voters is impossible. Democratic-leaning

¹ States that have joined the Compact: CA, HI, IL, MA, MD, NJ, NY, RI, VT, WA, and District of Columbia

² Making Every Vote Count, CT Voter Survey, Feb. 6, 2018

voters in the two states make up only 9% of the U.S. voter population.

	% Population	% Dem/ Lean Dem	% Rep/ Lean Rep
CA	12.1%	51%	30%
NY	6.1%	52%	29%
CA & NY	18.2%	9.3%	5.4%

4. The founding fathers created the Electoral College to protect small states

While it is true that low population states have a disproportionate number of electoral votes compared to larger population states, the Electoral College was not designed to protect small states. The intent of allocating electoral votes equal to the number of a state’s Congressional seats was done to give slave-owning states more influence than they would have had with a direct vote.

A direct election of the president would have disadvantaged southern states whose slaves could not vote. As James Madison said, “The right of suffrage was much more diffusive (extensive) in the Northern than the Southern States; and the latter could have no influence in the election on the score of Negroes.”

Because slaves accounted for three-fifths of a person for purposes of assigning U.S. Representatives, the Electoral College gave southern states more influence relative to northern states than under a popular vote. The scheme worked; slave owners from Virginia won the presidency in eight of the nine elections following ratification of the Constitution.

Today, it’s only the battleground states that matter, and a majority of them have larger than average populations. The voters in small states like Connecticut don’t matter.

5. We’re a republic, not a democracy—states should decide who is president

As the term is used in the Constitution, a republican form of government is when citizens do not rule directly, but instead elect officeholders to represent them and conduct the business of government in the period between elections. That doesn’t change based on how a state votes its electors. We will continue to be a constitutional democracy under the Compact.

6. A state could sabotage the Compact by withdrawing at the last minute, or refusing to certify its vote count, or not delivering the vote count prior to the meeting of the Electoral College

The Compact contains a six-month blackout period from July 20 of each presidential year through the inauguration. During this period, states may not withdraw from the Compact. The Compact is legally enforceable just as are the many interstate compacts currently in force.

Presidential elections don’t depend on the willingness of Secretaries of State to certify their own state’s election returns. No SOTS has the power (because of both state and federal laws) to prevent the popular vote from his or her state from being counted. Federal law requires creation and delivery of a certificate containing the popular vote count for President prior to the meeting of the Electoral College.

Every state has a law providing a statutory deadline for certification of the popular vote count for President by a specific date (long before the meeting of the Electoral College in mid-December). Refusal of a rogue Secretary of State to certify his or her state’s popular vote count would disenfranchise the state’s voters, who could obtain a court order compelling compliance with state and federal law.

7. The Constitution prohibits interstate compacts

Although Article I, Section 10 of the Constitution provides that "No State shall, without the Consent of Congress... enter into any Agreement or Compact with another State," not all compacts between states require explicit Congressional approval. In 1893 the Supreme Court ruled in *Virginia v. Tennessee* that only those agreements that would increase the power of states at the expense of the federal government require Congressional approval.

Under Article II, Section 1 of the Constitution states have the exclusive right to choose their electors: "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors . . ."

The Supreme Court would likely consider the compact under the "Political Consent" Compact Clause theory. This reasoning evaluates whether the compact contains a political subject affecting federal interests or the interests of non-compacting sister states, in which case congressional consent is required (*U.S. Steel Corp. v. Multistate Tax Commission*).

The Compact does not interfere with non-compacting states, whose votes would be counted towards the national popular vote, and therefore may be formed without congressional approval.

8. We should stay with the status quo because there might unintended consequences

The Compact has been thoroughly researched. It is backed up by a 1,000+ page book reviewing every detail. "Unintended consequences" is one of the specific concerns that the National Popular Vote organization has considered.

When states switched to a direct election of their chief executives there were no undesirable impacts. In 1787, only five states (including Connecticut) conducted popular elections for the office of Governor. During the late 18th and early 19th centuries, the states switched, one-by-one, to direct popular elections of Governors. Today, 100% of the states elect their Governors by direct popular vote. After over 5,000 direct popular elections for Governor in over two centuries, no state has ever decided to eliminate its direct popular election for Governor.

The fact that the League of Women Voters [endorses](#) the Compact — after several years of careful consideration, should allay concerns.

Moreover, there are unintended consequences, very serious ones, of the current winner-take-all system. Twice in the past five elections the will of the majority has been thwarted. In 2000, that led to the Supreme Court deciding the election, surely not a good consequence. Neither is it good for 38 states to sit on the sidelines while 12 battleground states determine who occupies the White House.

9. The Congressional District method of awarding electoral votes is more fair

While the Congressional District method, where a state's electoral votes are determined by the popular vote in each district, and the overall winner gets the two additional electoral votes, sounds like a fairer division of electoral votes however it is actually much worse.

As a result of gerrymandering, the vast majority of Congressional districts are reliably blue or red. Candidates would have no need to campaign except in competitive districts. According to the nonpartisan Cook Political Report, only 33 of the 435 House seats are competitive. Instead of a dozen battleground swing states deciding who would be president, the winner would be determined by 33 "battleground districts" that account for only eight percent of the population.

I 0. The Compact should be put to a referendum, let the people decide

Referring the decision to voters is unnecessary and would represent a radical departure from more than 200 years of history.

In the entire history of the U.S., never has a state enacted, amended, or repealed its winner-take-all law (or any other law providing any other method of choosing presidential electors) by ballot initiative, referendum, or referral process. It has always been the state legislature itself.

The Constitution is clear: “Each State shall appoint, in such Manner as the **Legislature** thereof may direct, a Number of Electors.”

I 1. Democrats are pushing the Compact just because Hillary lost to Trump

The Compact is not new, and not partisan. Bills have been introduced in the CT General Assembly five times over the past 10 years. It passed the House in 2009, and was voted favorably out of Committee in 2011, 2013, 2014 and 2017. The non-partisan League of Women Voters endorses it. President Trump supports the popular vote, saying in a 60 Minutes interview after the election, “I would rather see it where you went with simple votes.” In 2014 Newt Gringrich wrote, “America would be better served with a presidential election process that treated citizens across the country equally. The National Popular Vote bill accomplishes this.”

If you have a question about the Compact, check out nationalpopularvote.com/answering-myths or get in touch with us at npv.ct@icloud.com.