

EVERY VOTE EQUAL

A State-Based Plan for Electing the President by National Popular Vote

The **National Popular Vote Interstate Compact (NPVIC)** is an agreement among a group of U.S. states and the District of Columbia to award all their respective electoral votes to whichever presidential candidate wins the overall popular vote in the 50 states and the District of Columbia. The compact is designed to ensure that the candidate who wins the most popular votes is elected president, and it will come into effect only when it will guarantee that outcome. As of June 2017, it has been adopted by ten states and the District of Columbia. Together, they have 165 electoral votes, which is 30.7% of the total Electoral College and 61.1% of the votes needed to give the compact legal force.

Mechanism

Proposed in the form of an interstate compact, the agreement would go into effect among the participating states in the compact only after they collectively represent an absolute majority of votes (currently at least 270) in the Electoral College. In the next presidential election after adoption by the requisite number of states, the participating states would award all of their electoral votes to presidential electors associated with the candidate who wins the overall popular vote in the 50 states and the District of Columbia. As a result, the winner of the national popular vote would always win the presidency by always securing a majority of votes in the Electoral College. Until the compact's conditions are met, all states award electoral votes in their current manner.

The compact would modify the way participating states implement Article II, Section 1, Clause 2 of the U.S. Constitution, which requires each state legislature to define a method to appoint its electors to vote in the Electoral College. The Constitution does not mandate any particular legislative scheme for selecting electors, and instead vests state legislatures with the exclusive power to choose how to allocate its own electors. States have chosen various methods of allocation over the years, with regular changes in the nation's early decades. Today, all but two states (Maine and Nebraska) award all their electoral votes to the candidate with the most votes statewide.

Congressional approval

It is possible that Congress would have to approve the NPVIC before it could go into effect. Article I, Section 10 of the US Constitution states that: "No State shall, without the Consent of Congress . . . enter into any Agreement or Compact with another State, or with a foreign Power." However, the U.S. Supreme Court has ruled in *Virginia v. Tennessee*, 148 U.S. 503 (1893), and in several more recent cases, that such consent is not necessary except where a compact encroaches on federal supremacy.

Every Vote Equal argues that the compact could never encroach upon federal power since the Constitution explicitly gives the power of casting electoral votes to the states, not the federal government. (*Some*) argue that the NPVIC would nonetheless affect the federal system in such a way that it would require Congressional approval, while (*others*) argue that Congress is actually prohibited under the Constitution from granting approval to the NPVIC. NPVIC supporters dispute this conclusion and state they plan to seek congressional approval if the compact is approved by a sufficient number of states.

excerpts from Wikipedia, the free encyclopedia

You can download a free copy of *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote*, by John R. Koza, *et.al.* here:

<http://www.every-vote-equal.com>