## National Popular Vote Plan Would Hurt Most States

by Morton C. Blackwell

Most states would lose power in U.S. presidential elections under the proposed National Popular Vote (NPV) plan now being considered by many state legislatures.

In support of the National Popular Vote State Compact, some states have already passed laws awarding all their electoral votes to the U.S. presidential candidate who wins a national plurality of the popular vote. This bad idea would be constitutional because Article II, Section 1, of the U.S. Constitution gives the respective state legislatures the right to appoint presidential electors. Congressional approval isn't required. The Compact would take effect if states with a majority of the electoral votes pass it.

Proponents of the NPV plan are now making a push to persuade state legislators to enact it, arguing that polls show Americans favor electing our presidents by popular votes rather than electoral votes determined by each state. What proponents don't mention is that 31 states would lose power in presidential elections under this plan. Nineteen states would lose more than 20% of their power, and ten states would lose more than 40% of their power.

The accompanying table shows the effect of NPV on each state.

For example, New Hampshire's four electoral votes amount to 0.74% of the 538 presidential electors. Based on the 2008 presidential election, New Hampshire cast just 0.54% of the popular vote in the 2008 presidential election. Under NPV, the state would have lost 26.58% of its power in the last presidential election.

If NPV had been in effect in 2008, Delaware would have lost 44% of its power. Rhode Island would have lost 51.49% of its power. Wyoming's power would have dropped by 65.48%. The pattern is the same for all the smaller-population states.

Gainers under NPV would be the larger states, but their gains wouldn't be as dramatic as the losses for all the smaller states. New York would have gained power in the 2008 presidential election by only 1.17%. California's power would have increased by only 1.49%.

In 2008, medium-sized states with many hotly contested congressional and state races drew disproportionately greater turnout than other states. States where the presidential campaigns specially focused their national resources also had higher turnouts. So in 2008, Ohio would have gained 17.25% in presidential -election power if the NPV had superseded the electoral-college system. Michigan would have gained power by 20.40%.

State legislators should consider carefully the disruption NPV would bring to the electoral college system, which was a part of the grand compromise enacted at the 1789 Constitutional Convention to protect states' rights and balance the power of the small states against the larger states.

In many ways, the constitutional separation of powers between the states and the federal government is being eroded. The Founders never intended that the states should become merely administrative appendages of the federal government, much less that the United States become a unitary, centralized, plebiscitary democracy. NPV would push America along that dangerous and originally unintended path.

Beyond preserving federalism, there are other powerful reasons to oppose the NPV plan, although Hawaii, Illinois, Maryland, New Jersey, Vermont, Washington, and the District of Columbia have already passed it.

For example, NPV would greatly incentivize vote-stealing because big-city political machines would realize that massive numbers of fraudulent votes they could engender could swing the electoral votes beyond their states and be counted toward a national popular vote plurality victory for their presidential candidate.

However, for a change, this national decision on NPV is in the hands of state governments.

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## Winners and Losers Under National Popular Vote Plan

	2008 Electoral Votes	% of 538 National Electoral Votes	2008 Popular Votes Cast	% of 2008 National Popular Votes Cast	% Difference in Power Under National Popular Vote Plan	Increase or Decrease in Power Under National Popular Vote Plan
Alabama	9	1.67%	2,105,622	1.59%	-0.08%	-4.97%
Alaska	3	0.56%	327,341	0.25%	-0.31%	-55.68%
Arizona	10	1.86%	2,320,851	1.75%	-0.11%	-5.73%
Arkansas	6	1.12%	1,095,958	0.83%	-0.29%	-25.81%
California	55	10.22%	13,743,177	10.38%	0.15%	1.49%
Colorado	9	1.67%	2,422,236	1.83%	0.16%	9.32%
Connecticut	7	1.30%	1,644,845	1.24%	-0.06%	-4.56%
Delaware	3	0.56%	413,562	0.31%	-0.25%	-44.01%
District of Columbia	3	0.56%	266,871	0.20%	-0.36%	-64.02%
Florida	27	5.02%	8,453,743	6.38%	1.36%	27.18%
Georgia	15	2.79%	3,940,705	2.98%	0.19%	6.71%
Hawaii	4	0.74%	456,064	0.34%	-0.40%	-53.69%
Idaho	4	0.74%	667,506	0.50%	-0.24%	-31.90%
Illinois	21	3.90%	5,578,195	4.21%	0.31%	7.89%
Indiana	11	2.04%	2,805,986	2.12%	0.07%	3.61%
lowa	7	1.30%	1,543,662	1.17%	-0.13%	-10.35%
Kansas	6	1.12%	1,264,208	0.95%	-0.17%	-14.78%
Kentucky	8	1.49%	1,858,578	1.40%	-0.08%	-5.64%
Louisiana	9	1.67%	1,979,852	1.49%	-0.18%	-10.49%
Maine	4	0.74%	744,456	0.56%	-0.18%	-24.05%
Maryland	10	1.86%	2,651,428	2.00%	0.14%	7.62%
Massachusetts	12	2.23%	3,102,995	2.34%	0.11%	5.03%
Michigan	17	3.16%	5,039,080	3.80%	0.64%	20.40%
Minnesota	10	1.86%	2,921,147	2.21%	0.35%	18.57%
Mississippi	6	1.12%	1,289,939	0.97%	-0.15%	-13.05%
Missouri	11	2.04%	2,992,023	2.26%	0.21%	10.48%
Montana	3	0.56%	497,599	0.38%	-0.18%	-32.91%
Nebraska	5	0.93%	811,923	0.61%	-0.32%	-34.04%
Nevada	5	0.93%	970,019	0.73%	-0.20%	-21.25%
New Hampshire	4	0.74%	719,643	0.54%	-0.20%	-26.58%
New Jersey	15	2.79%	3,910,220	2.95%	0.16%	5.88%
New Mexico	5	0.93%	833,365	0.63%	-0.30%	-32.35%
New York	31	5.76%	7,721,718	5.83%	0.07%	1.17%
North Carolina	15	2.79%	4,354,571	3.29%	0.50%	17.92%
North Dakota	3	0.56%	321,133	0.24%	-0.32%	-56.71%

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Ohio	20	3.72%	5,773,387	4.36%	0.64%	17.25%
Oklahoma	7	1.30%	1,474,694	1.11%	-0.19%	-14.36%
Oregon	7	1.30%	1,845,251	1.39%	0.09%	7.16%
Pennsylvania	21	3.90%	5,996,229	4.53%	0.62%	15.98%
Rhode Island	4	0.74%	475,428	0.36%	-0.38%	-51.49%
South Carolina	8	1.49%	1,927,153	1.45%	-0.04%	-2.35%
South Dakota	3	0.56%	387,449	0.29%	-0.27%	-47.77%
Tennessee	11	2.04%	2,618,238	1.98%	-0.06%	-3.10%
Texas	34	6.32%	8,078,524	6.10%	-0.22%	-3.49%
Utah	5	0.93%	971,185	0.73%	-0.20%	-21.16%
Vermont	3	0.56%	326,822	0.25%	-0.31%	-55.94%
Virginia	13	2.42%	3,753,059	2.83%	0.42%	17.26%
Washington	11	2.04%	3,071,587	2.32%	0.28%	13.68%
West Virginia	5	0.93%	731,691	0.55%	-0.38%	-40.60%
Wisconsin	10	1.86%	2,997,086	2.26%	0.40%	21.65%
Wyoming	3	0.56%	256,035	0.19%	-0.37%	-65.48%
TOTAL:	538	100.00%	132,454,039	100.00%		

<sup>31</sup> states would lose power under the National Popular Vote plan.

<sup>19</sup> states would lose more than 20% of their power.

<sup>10</sup> states would lose more than 40% of their power.