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AB 459 (Hill) – National Popular Vote

AB 459 (Hill), the National Popular Vote bill, would guarantee the Presidency to the candidate who receives the most popular votes in all 50 states (and the District of Columbia).

The bill has passed 31 legislative chambers in 21 jurisdictions (AR, CA, CO, CT, DC, DE, HI, IL, ME, MD, MA, MI, NV, NJ, NM, NY, NC, OR, RI, VT, WA). In the recent 52–7 New York State Senate vote, Republicans supported the bill by a 22–5 margin (with 3 not voting) and Democrats supported it by a 30–2 margin. The bill has been endorsed more than 2,011 state legislators.

The bill has been enacted by jurisdictions possessing 74 electoral votes — 27% of the 270 necessary to activate the law (HI, IL, MA, MD, NJ, Washington state, and District of Columbia).

The shortcomings of the current system stem from the winner-take-all rule (i.e., awarding all of a state’s electoral votes to the candidate who receives the most popular votes in each state).

The winner-take-all rule has permitted a candidate to win the Presidency without winning the most popular votes nationwide in 4 of our 56 elections — 1 in 14 times. A shift of 60,000 votes in Ohio in 2004 would have elected Kerry despite Bush’s nationwide lead of 3,000,000.

Another shortcoming of the winner-take-all rule is that presidential candidates have no reason to pay attention to the concerns of voters in states where they are comfortably ahead or hopelessly behind. In 2008, candidates concentrated over two-thirds of their campaign visits and ad money in the November general election campaign in just six closely divided “battleground” states— with 99% going to 16 states. This makes two thirds of the states, including California, mere spectators.

Article II, Section 1 of the U.S. Constitution gives the states exclusive control over the manner of awarding their electoral votes: “Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors....” The winner-take-all rule is not in the Constitution. It is state law, not federal law, and therefore states can change it when they see fit. The winner-take-all was not a method particularly embraced by the Founding Fathers as it was used by only 3 states in our nation’s first election in 1789.

Under the National Popular Vote bill, all the electoral votes from the enacting states would be awarded to the presidential candidate who receives the most popular votes in all 50 states (and DC). The bill would take effect only when enacted by states possessing a majority of the electoral votes — that is, enough electoral votes to elect a President (270 of 538).

The bill preserves the Electoral College, while ensuring that every vote is equal and ensuring that *every* vote will matter in *every* state in *every* presidential election.

The bill has been endorsed by *New York Times*, *Sacramento Bee*, *Minneapolis Star-Tribune*, *Chicago Sun-Times*, *Los Angeles Times*, *Fayetteville Observer*, *Tennessean*, and *Miami Herald*.

The bill has been endorsed by League of Women Voters, Common Cause, and FairVote.

An October 2008 poll by the Public Policy Institute of California indicated 70% support among Californians for changing to a system where the President is elected by a direct national popular vote.

The National Advisory Board of National Popular Vote includes former Senators Jake Garn (R–UT), Birch Bayh (D–IN), and David Durenberger (R–MN) as well as former congressmen John Anderson (R–IL, I), John Buchanan (R–AL), Tom Campbell (R–CA), and Tom Downey (D–NY).

Additional information is available in the book *Every Vote Equal: A State-Based Plan for Electing the President* by *National Popular Vote* and at www.NationalPopularVote.com.