



February 6, 2007

“Agreement Among the States to Elect the President by Nationwide Popular Vote”

The National Popular Vote bill (HB 148) would guarantee that the presidential candidate who receives the most votes in all 50 states will win the Presidency.

Maryland currently uses the winner-take-all rule that awards all of the state’s electoral votes to the presidential candidate who receives the most popular votes in the state.

The main shortcoming of the current system of electing the President is that, because of the winner-take-all rule, presidential candidates have no reason to poll, visit, advertise, organize, campaign, or consider the concerns of voters of states that they cannot possibly win or lose. Presidential candidates do not poll in Maryland, do not campaign in Maryland, and do not need to worry about Maryland issues in order to be elected to the Presidency. Candidates concentrate their attention on a very small handful of closely divided “battleground” states. Presidential candidates concentrate over two-thirds of their advertising money and campaign visits in just six states, and over 99% of their advertising money in just 16 states. The spectator states in presidential elections include 7 of the nation’s 11 most populous states (California, Texas, New York, Illinois, New Jersey, North Carolina, and Georgia), 12 of the 13 least populous states (all but New Hampshire); and a majority of the other states. Voters in two-thirds of the states are effectively disenfranchised because they do not live in battleground states.

A second shortcoming of the current system is that a candidate can win the Presidency without winning the most popular votes nationwide. A shift of 60,000 votes in Ohio would have elected Kerry as President—even though President Bush was ahead by 3.5 million votes.

The Founding Fathers gave the states exclusive and plenary control over the manner of awarding of their electoral votes. The states may change their state laws concerning the awarding of their electoral votes at any time. The winner-take-all rule is not in the U.S. Constitution. It was used by only 3 states in the nation’s first presidential election in 1789. It did not come into widespread use by means of a federal constitutional amendment but, instead, by the action of individual states using their plenary power to award their electoral votes. Maryland once elected presidential electors from the Eastern Shore and Western Shore and once used single-member elector districts. Maine and Nebraska currently award electoral votes by congressional district.

The National Popular Vote bill in Maryland would enact an interstate compact called the “Agreement Among the States to Elect the President by Nationwide Popular Vote.” Under the National Popular Vote bill, all of the state’s electoral votes would be awarded to the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia. The bill would take effect only when enacted, in identical form, by states possessing a majority of the electoral votes—that is, enough electoral votes to elect a President (270 of 538).

70% of the public has long supported nationwide election of the president. The *New York Times* endorsed the National Popular Vote plan by calling it an “an ingenious solution” that “Legislatures across the country should get behind.” The plan has also been endorsed by the *Chicago Sun Times*, *Los Angeles Times*, *Minneapolis Star-Tribune*, and *Sacramento Bee*. The plan has been endorsed by Common Cause and FairVote. The National Popular Vote bill is sponsored by 174 legislators from 46 states. It passed the Colorado Senate on January 17, 2007.