

# A Letter in Support of the National Popular Vote Interstate Compact

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Written by Jacob Porter and Nick Bemberg

Signed by Jacob Porter, a resident of Texas House District 49

**Hendrix College**  
**February 21, 2011**

The Honorable Elliott Naishtat  
Texas House of Representatives  
Room CAP GW.16, Capitol  
P.O. Box 2910  
Austin, TX 78701

February 21, 2011

Dear Representative Naishtat:

I write to ask you to take a leadership role in introducing the National Popular Vote Interstate Compact during the 82<sup>nd</sup> Texas Legislative Session. My deep concern about the Electoral College arises from the inequalities caused by the Electoral College's winner-take-all system, which ignores millions of Texans and other Americans. With sufficient support, the NPVIC will ensure that enough electors are pledged to the popular vote winner so that he or she will be ensured victory.

### **The National Popular Vote Interstate Compact (NPVIC)**

If the NPVIC is passed by a group of states equal to at least 270 electoral votes, the agreeing states will appoint electors to vote for the winner of the national popular vote in subsequent presidential elections. In compliance with Article II of the Constitution, which states, "each state shall appoint, in such a Manner as the Legislature thereof may direct, a Number of Electors, equal to [the amount] the State may be entitled,"<sup>1</sup> this *de facto* implementation of the popular vote in presidential elections will demonstrate the advantages of a direct election to Americans. The NPVIC was introduced but died in committees in the Texas House (HB 3566)<sup>2</sup> and Texas Senate (SB 520)<sup>3</sup> during the 80<sup>th</sup> Texas legislative session.

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<sup>1</sup> United States Senate. "Constitution of the United States." [http://www.senate.gov/civics/constitution\\_item/constitution.htm](http://www.senate.gov/civics/constitution_item/constitution.htm) (January 26, 2011).

<sup>2</sup> Texas Legislature Online. "HB 3566" in *Legislation*. <http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=80R&Bill=HB3566> (February 2, 2011).

<sup>3</sup> Texas Legislature Online. "SB 520" in *Legislation*. <http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=80R&Bill=SB520> (February 2, 2011).

## The Eyes of Candidates are Not Upon You

An extrinsic inequality occurs when candidates skim over a state's voters during their campaigns. This was summed up well by Douglas Bailey, an advertiser for Jimmy Carter's 1976 campaign, "those areas that you are sure to win or lose, you ignore."<sup>4</sup> To presidential candidates, Texas is simply a noncompetitive state, not the home of roughly eight million diverse registered voters.<sup>5</sup> In 2000, no television advertising space was bought in Texas by Al Gore or George W. Bush.<sup>6</sup> In the same year, only 10 of the 585 visits to voters in a three month period before the election by presidential and vice-presidential candidates were in Texas.<sup>7</sup> In 2008, Texans donated \$46,327,287 to presidential candidates, but in the month and a half before Election Day, presidential candidates spent a combined \$4,641 dollars on advertising in Texas.<sup>8</sup> Amazingly, 24 other states saw even less money spent on advertising. In 2008, none of the 300 campaign events held by presidential and vice presidential candidates in the two months before Election Day were held in Texas.<sup>9</sup>

By ignoring Texas and many other states both large and small, the high level of civic engagement that a presidential election could elicit is hampered. Perhaps the above numbers can account for Texas having a lower than average voter registration rate in each of the past ten elections.<sup>10</sup>

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<sup>4</sup> Edwards III, George C. *Why the Electoral College is Bad for America*. New Haven: Yale University Press, 2004. 114.

<sup>5</sup> United States Census Bureau. "Voting and Registration in the Election of November 2004." <http://www.census.gov/prod/2006pubs/p20-556.pdf> (February 2, 2011).

<sup>6</sup> Edwards III. 112.

<sup>7</sup> Edwards III. 104-105.

<sup>8</sup> FairVote.org. "Following the Money – Campaign Donations and Spending in the 2008 Presidential Race" in *FairVote Blog*. <http://www.fairvote.org/following-the-money-campaign-donations-and-spending-in-the-2008-presidential-race> (February 2, 2011).

<sup>9</sup> Fairvote.org. "2008 Campaign Events" in *Presidential Elections Reform*. <http://archive.fairvote.org/presidential/index.php?page=2473> (February 2, 2011).

<sup>10</sup> United States Census Bureau. "Population Characteristic (P20) Reports and Detailed Tables." <http://www.census.gov/hhes/www/socdemo/voting/publications/p20/index.html> (February 2, 2011).

## **The Electoral College's Explicit Inequalities**

An intrinsic inequality of the Electoral College is reflected in the fact that the winner-take-all system that most states, including Texas, implement ultimately causes voters of the non-plurality parties to lose their voice. This is a contradiction of American principles of democracy. In 2008, the 3,577,562 Democrats and third-party voters in Texas, who bolstered Texas' elector apportionment to thirty-four for that decade, were unrepresented by the unanimously Republican electoral slate. Even under a system in which electors vote proportionally to the popular vote in the state, which would have resulted in a 19:15 Republican to Democratic ratio in Texas in 2008, the apportionment of each state and thus its collective voice, would still be intrinsically unequal.

The method of apportioning electors awards smaller states more electors by a wide margin. In the 2012 election, voters in Wyoming will have the lowest population to elector ratio in the country: 187,875:1 (gross population is used to apportion electors instead of actual voters, registered voters, or eligible voters). In light of the average national ratio, 486,228:1, and Texas' ratio, 661,725:1, it could be said that a voter in Wyoming votes with 2.6 times the influence of an average American and 3.5 times the influence of a Texan.<sup>11</sup> This drastic inequality is startling and could produce extreme misrepresentation of the American people.

Contingent elections, elections held in the House and Senate if a presidential candidate does not receive a majority of the electoral vote, can dramatically aggravate the representative disparities between states. If no candidate captures the electoral majority, a contingent election will be held and the selection of the president and vice president will be given to the House and to the Senate, respectively. Each state will receive one vote in each election, decided by a majority vote. If this occurs in 2012, the twenty-six least populated states, totaling 53,769,482 people, could choose the president over the wishes of a group of twenty five states with a total population of 254,976,054. In this

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<sup>11</sup> United States Census Bureau. "Apportionment Population and Number of Representatives, by State: 2010 Census." [http://2010.census.gov/news/pdf/apport2010\\_table1.pdf](http://2010.census.gov/news/pdf/apport2010_table1.pdf) (February 2, 2011).

contingent election, Wyoming will have an equal vote to Texas, despite having only 2% of Texas' population.

### **Beyond Parties**

George W. Bush won the 2000 election despite his opponent having a majority of the national popular vote. The system has awarded the presidency to the popular vote winner's opponent throughout its history. Many people still try to paint the NPVIC as partisan with Democrats still bitter over their loss in 2000.<sup>12</sup> However, the Electoral College has benefitted Democratic popular vote losers such as John Kennedy in 1960. While voting habits, voter turnout, and campaigning patterns will change with a direct election, they will remain very competitive for Democrats and Republicans. If there is a direct election of president in 2012, strongholds for Democrats such as California and for Republicans such as Texas will serve the minority party more than they do now. Should either party bring up the loss of unanimity in a certain state as reason for opposition to the NPVIC, please hold your ground for the NPVIC. The national election is not determined by any one state's vote. While Democrats may lose unanimous support in California, they will also gain support in Texas. On a nation-wide basis, the give and take of a direct election will serve neither party better than the other.

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<sup>12</sup> James Taranto. "Faithless Lawmakers." July 29, 2010. <http://online.wsj.com/article/SB10001424052748703578104575397100729241576.html> (February 2, 2011).

## **Conclusion**

The need for a direct election of president goes beyond issues of party. It also goes beyond the influence that one state has compared to the other. Support for the direct election of president is about ensuring that every American has an equal voice in choosing the executive of their country. Please do not let this right continue to be denied.

Respectfully,

A handwritten signature in black ink, appearing to read "Jacob Porter", is centered on a light gray rectangular background.

Jacob Porter  
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Austin, TX 78704