

Proposition 113: Adopt Agreement to Elect U.S. President By National Popular Vote

1 **Proposition 113, if approved, would:**

- 2 • enter Colorado into an agreement among states to elect the President of the
3 United States by a national popular vote once enough states join the National
4 Popular Vote Interstate Compact.

5 **What Your Vote Means**

YES

A “yes” vote on Proposition 113 approves a bill passed by the legislature and signed by the Governor joining Colorado with other states as part of an agreement to elect the President of the United States by national popular vote if enough states enter the agreement.

NO

A “no” vote on Proposition 113 rejects a bill passed by the legislature and signed by the Governor and retains Colorado’s current system of awarding all of its electors for the President of the United States to the winner of the Colorado popular vote.

1 **Summary and Analysis for Proposition 113**

2 **What is the National Popular Vote Interstate Compact?**

3 The National Popular Vote Interstate Compact is an agreement among participating
4 states to ensure that the presidential candidate who wins the most votes nationwide
5 is elected President. States that join the agreement commit to awarding all of their
6 state’s electoral votes to the candidate who receives the most popular votes
7 nationwide once the agreement becomes binding. The agreement only becomes
8 binding when participating states represent more than half of all electoral votes, at
9 least 270 of the total 538 votes in the Electoral College. This ensures that the
10 candidate who wins the most votes nationwide is also elected by the Electoral
11 College, since a majority of electoral votes will go to the winner of the national
12 popular vote.

13 If Proposition 113 is approved by voters, Colorado will be the fifteenth state, plus the
14 District of Columbia, to join the agreement, bringing the number of committed
15 electoral votes to 196, short of the 270 needed.

16 **What happens if Proposition 113 passes?**

17 Until enough states join the agreement, Colorado will continue to award its electoral
18 votes to the winner of the state’s popular vote. Thus, this measure will have no
19 effect on the 2020 presidential election. If the agreement goes into effect, because
20 states with enough electoral votes join it in the future, this measure would require
21 Colorado’s presidential electors to vote for the winner of the national popular vote,
22 regardless of which candidate wins the most votes in Colorado.

23 **How is the President of the United States elected now?**

24 Individual voters in the states vote for a ticket consisting of the President and Vice
25 President of the United States. The tally of individual votes is known as the popular
26 vote. The President is then elected by the 538 members of the Electoral College,
27 known as electors. The popular vote in each state determines which candidate the
28 state’s electors will vote for in the Electoral College.

29 Each December after a presidential election, the electors cast votes to elect the
30 President and Vice President. Each state receives a number of electors equal to the
31 total of its Senators and Representatives in Congress, plus the District of Columbia
32 receives three electors. Every state has two Senators and a number of
33 Representatives based on the state’s population at the last census. Colorado has
34 two Senators and currently has seven Representatives, for a total of nine electors.
35 Individual electors are chosen by the political parties in each state.

36 To win the presidential election, a candidate must receive a majority of electoral
37 votes, at least 270 out of the 538. Under Article II, Section 1 of the U.S. Constitution,
38 each state’s legislature determines how to award its electoral votes. In all but two
39 states (Maine and Nebraska), all of the state’s electoral votes are allocated to the
40 candidate who wins the most votes in the state. If no candidate receives a majority
41 in the Electoral College, the House of Representatives chooses the President and
42 the Senate chooses the Vice President, although this has not occurred since 1824.

43 Throughout the history of the United States, there have been five elections in which
44 the national popular vote and the Electoral College vote have diverged. Two of these
45 elections were in 2000 and 2016, while the other three occurred in the 1800s.

1 **Why is Proposition 113 on the ballot?**

2 The General Assembly passed, and the Governor signed, Senate Bill 19-042 during
3 the 2019 legislative session. This measure is the result of a referendum petition, a
4 right reserved under the Colorado Constitution that allows citizens to place a bill
5 passed by the General Assembly on the statewide ballot. A referendum petition can
6 be filed against any bill passed by the Colorado legislature, unless the General
7 Assembly declares that the bill is necessary to preserve public peace, health, and
8 safety. Proposition 113 consists of the text of Senate Bill 19-042, and if it passes,
9 the bill remains state law. If Proposition 113 is rejected, this text will be removed
10 from state law. This measure is on the ballot because enough signatures were
11 collected to refer the bill to voters.

For information on those issue committees that support or oppose the measures on the ballot at the November 3, 2020, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

12 **Arguments For Proposition 113**

- 13 1) A national popular vote for President advances the democratic principle of one
14 person, one vote, and ensures that votes in every community count equally. The
15 national popular vote for President could also encourage candidates to campaign
16 in a way that addresses the concerns of voters in all 50 states. The current
17 system places too much importance on just a few competitive states where
18 candidates focus almost all of their attention and campaign efforts. Candidates
19 should reach out to voters wherever they live and take positions on issues that
20 affect all parts of the country. The national popular vote gives all voters an equal
21 impact on the outcome of the election, regardless of where they live or whether
22 their state's final vote count might be close.
- 23 2) The President of the United States should be the person who gets the most
24 popular votes nationwide. Five times in our country's history, including twice in
25 the last 20 years, a candidate has won the presidential election despite losing the
26 popular vote. A "yes" vote on Proposition 113 is an important step toward
27 making sure this cannot happen in the future. Recent history demonstrates that
28 when the results are close in even a few states, it is easy for the Electoral
29 College vote to not reflect the national popular vote.

1 **Arguments Against Proposition 113**

2 1) Colorado should cast its electoral votes for the candidate who obtains the most
3 votes in Colorado. If the agreement goes into effect, Colorado's presidential
4 electors would be obligated to vote for whomever wins the national popular vote,
5 even if that candidate did not win the majority of votes in the state. Further, a
6 national popular vote may encourage candidates to focus their campaigns in
7 large population centers where they can efficiently reach more voters. In this
8 process, all Coloradans risk having the unique regional issues they care about
9 lose out to the interests of a few large cities in a few large states.

10 2) This agreement attempts to sidestep the U.S. Constitution and could lead to
11 disruptions in our electoral system. Rather than amend the U.S. Constitution to
12 implement a true national popular vote, the compact relies on legal agreements
13 between member states, which have different election requirements and policies,
14 to ensure that their electors will vote the way the compact demands. In addition,
15 in a close election run by 50 separate states, trying to determine who won the
16 national popular vote could lead to recounts and litigation in every state, delaying
17 results, causing confusion, and eroding confidence in our electoral system.

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19 **Estimate of Fiscal Impact for Proposition 113**

20 **No fiscal impact.** Proposition 113 is assessed as having no fiscal impact. The
21 Secretary of State is responsible for certifying presidential electors, and this bill does
22 not change the process by which this is done. Therefore, the measure does not
23 affect the revenue, spending, or workload of any state or local government entity.