

Senate Bill 19-042: Adopt Agreement to Elect U.S. President By National Popular Vote

1 **Proposition ? proposes amending the Colorado statutes to:**

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

5 **What Your Vote Means**

YES

A "yes" vote on Proposition ? means Colorado would join

other states as part of the National Popular Vote Interstate Compact, which would elect the President of the United States by national popular vote if enough states enter the compact.

NO

A "no" vote on Proposition ? 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 ?**

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

3 The National Popular Vote Interstate Compact (compact) is an agreement among
4 participating states to ensure that the presidential candidate who wins the most votes
5 nationwide is elected president. States that join the compact agree to award all of
6 their state's electoral votes to the candidate who receives the most popular votes
7 nationwide once the compact becomes binding. The compact only becomes binding
8 when the states in the compact 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 through the Electoral
11 College, since a majority of electoral votes will go to the winner of the national
12 popular vote.

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

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

17 Until the compact becomes binding, Colorado will continue to award its electoral
18 votes to the winner of the state's popular vote. Thus, the compact will have no effect
19 on the 2020 presidential election. If the compact becomes binding, because states
20 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 **Why is Proposition ? on the ballot?**

23 The General Assembly passed, and the Governor signed, Senate Bill 19-042 during
24 the 2019 legislative session. The bill enters Colorado into the National Popular Vote
25 Interstate Compact. This proposition was placed on the ballot by referendum
26 petition, a right reserved under the Colorado Constitution that allows citizens to
27 approve or reject a bill passed by the General Assembly. A referendum petition can
28 be filed against any bill passed by the Colorado legislature, unless the General
29 Assembly declares that the bill is necessary to preserve public peace, health, and
30 safety. Proposition ? consists of the text of Senate Bill 19-042. This proposition to
31 approve or reject the bill is on the ballot because enough signatures were collected
32 to refer the bill to voters.

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

34 The election of the President of the United States is an indirect vote in which each
35 state's voters cast ballots for their preferred candidate. The tally of individual votes is
36 known as the popular vote. The popular vote in each state determines which
37 candidate the state's electors will vote for in the Electoral College. The electors then
38 cast direct votes, called electoral votes, for a ticket consisting of the President and
39 Vice President.

40 To win the presidential election, a candidate must receive a majority of electoral
41 votes, at least 270 out of a total of 538. Under Article II, Section 1 of the U.S.
42 Constitution, each state determines how to award its electoral votes. In all but two
43 states (Maine and Nebraska), all of the state's electoral votes are allocated to the
44 candidate who wins the most votes in the state. In the event no candidate receives a
45 majority in the Electoral College, the House of Representatives chooses the

1 President and the Senate chooses the Vice President, although this has not occurred
2 since 1824.

3 **What is the Electoral College and what are electors?**

4 The Electoral College was established by the U.S. Constitution as a compromise
5 between electing the President by a vote of all eligible voters and electing the
6 President by a vote of Congress. The Electoral College meets in December every
7 four years to elect the President. Each state receives a number of electors equal to
8 the total of its Senators and Representatives in Congress. Every state has two
9 Senators and a number of Representatives based on the state’s population at the
10 last census. Colorado currently has two Senators and seven Representatives, for a
11 total of nine electors. Electors are chosen by the political parties in each state.

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

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>

15 **Arguments For Proposition ?**

16 1) Every vote in every community should count equally when electing the President.
17 Under the current Electoral College system, an individual’s voting strength varies
18 widely from state to state. The current system places too much importance on
19 just a few competitive states where candidates focus almost all of their attention
20 and campaign efforts. Candidates should reach out to voters wherever they live
21 and take positions on issues that affect all parts of the country. The compact
22 ensures that all voters have an equal impact on the outcome of the election,
23 regardless of where they live or whether their state’s final vote count might be
24 close.

25 2) The President of the country should be the person who gets the most popular
26 votes nationally. Five times in our country’s history, including twice in the last 20
27 years, a candidate has won the presidential election despite losing the popular
28 vote. A “yes” vote on Proposition ? is an important step toward making sure this
29 does not happen in the future. Recent history demonstrates that when the
30 results are close in even a few states, it is easy for the Electoral College to yield
31 a result different from the way the people actually voted.

1 **Arguments Against Proposition ?**

2 1) Colorado should cast its electoral votes for the candidate who obtains the most
3 votes in Colorado. If the compact 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 would encourage candidates to focus their campaigns in
7 large population centers where they can efficiently reach more voters. In this
8 process, Coloradans, and especially rural Coloradans, risk having the issues
9 they care about lose out to the interests of a few large cities in a few large states.

10 2) This compact 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 to ensure that their electors will vote the way the
14 compact demands. In addition, in a close election run by 50 separate states,
15 trying to determine who won the national popular vote could lead to recounts and
16 litigation in every state, delaying results and causing confusion.

17 **Estimate of Fiscal Impact of Proposition ?**

18 This proposition is assessed as having no fiscal impact. The Secretary of State is
19 responsible for certifying presidential electors, and this bill does not change the
20 process by which this is done. Therefore, the proposition does not affect the
21 revenue, expenditures, or workload of any state or local government entity.