

# 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 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 ? means  
Colorado would join  
other states as part of the National  
Popular Vote Interstate Compact, an  
agreement to 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 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 ? 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 ? 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 compact becomes binding, 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 ? on the ballot?**

2 The General Assembly passed, and the Governor signed, Senate Bill 19-042 during  
3 the 2019 legislative session. This proposition 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 ? consists of the text of Senate Bill 19-042. This measure is on  
9 the ballot because enough signatures were 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>

10 **Arguments For Proposition ?**

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

18 **Estimate of Fiscal Impact of Proposition ?**

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