

INDEX

The electronic version of this book at www.Every-Vote-Equal.com provides a convenient additional way to search the contents of this book.

Page numbers followed by *t* reference a table and those followed by *f* reference a figure.

- absentee ballots
 - myth that they are not counted in California
 - when they don't affect presidential race, 976–77
- absolute majority of electoral votes, requiring, 174n34, 192, 218, 243, 287, 311, 317, 374, 439–40. *See also* contingent elections
- absolute majority of popular votes, NPV criticized for not requiring, 750–53
- absolute majority required for election of electors. *See under* presidential electors: popular election of
- Adams, John. *See* election of 1796
- Adams, John Quincy. *See* election of 1824
- adjacent state campaigning, 31, 35
- advertising campaigns, 50, 51. *See also* campaign advertising; television advertising
- advisory compacts, 446
- affidavit ballots. *See* provisional ballots
- African Americans, 276–79
 - suffrage, 610
- age
 - myth that NPV can be gamed by letting parents vote for their children, 1108–11
 - percentage of population who voted in 2020 by, 811, 811t
 - See also* seventeen-year-olds
- agricultural compacts, 446
- Alabama Democratic Party, 267
- Alabama presidential ballot (1960), 267, 268–69f, 972–75
- Alaska, 553, 555
- Alaska Supreme Court, 555
- Alexander, Robert M., 17n31
- Amendment 36. *See* Colorado Amendment 36
- amendment process, constitutional
 - description, 437, 524t
 - history, 437–38
 - state “legislatures” and, 527–29
 - See also* direct election constitutional amendment(s)
- Amendments of the U.S. Constitution, 378
 - amendment is not the traditional or appropriate way to change how President is elected, 604–11
 - amendment not necessarily superior way to change the system, 684–85
 - amendment not necessarily the most democratic way to change how President is elected, 680–81
 - amendment not necessary to change how President is elected, 597–601, 679–80
 - changes in presidential election system implemented without constitutional amendment, 211–13, 604–611
 - See also* direct election constitutional amendment(s); *specific amendments*
- American Recovery and Reinvestment Act of 2009, 68
- Amira, Dan, 152
- Anderson, Gary M., 82
- Anti-Federalists, 172–73, 544, 545
- Appalachia (Republican-leaning southcentral states), 719–24
 - 2012 Romney vote from, 725, 725t
 - 2016 Trump vote from, 721, 722t, 724t
 - 2020 Trump vote from, 726, 726t
 - and California were equally balanced in 2012, 725–26
 - and California were equally balanced in 2020, 726
 - “expanded,” 724, 724t
- Appalachian Regional Compact, 454
- appointment of presidential electors
 - date for, 220–30, 1150 (*see also* Election Day)
 - last-minute changes in Nebraska, 154–55, 1083–84
 - methods used for, 164–73, 165t, 173t, 489–90t, 492–98 (*see also* “baby electoral colleges”; district method)
 - in 1789, 173, 173t
 - in 1796, 176–81
 - appointment by Governors, 166, 171, 616–17
 - appointment by state legislatures, 167, 172, 616, 970–72
 - election by congressional district, 168–69, 171, 194, 199–200
 - election by counties, 167–68
 - election by elector districts, 168
 - election by popular vote, 179t, 194–97, 196t

- appointment of presidential electors (*continued*)
 methods used for (*continued*)
 election by statewide WTA rule, 169, 181–86, 197–99, 198t
 implicit constraints on a state's, 644–52
 in Michigan (1892), 199–200
 NPV and, 616–17, 642–52, 659
 popular voting for electors, 194–97, 196t
 in Virginia (1800), 181–86
 NPV on, 489–90t, 492–99
 state laws for, 546, 547t
See also Certificate of Ascertainment; presidential electors
- apportionment of House seats, imprecision in. *See* under inequality in the value of a vote
- apportionment population, 217–18
- approval voting
 compatible with NPV, 936–38
 sample ballot for, 937f
 top-two, 938
- Archivist of the United States
 duties, 1152
 failure of certificates of electors to reach, 1153
- Arizona
 campaign events, 590–91
 locations of, 591, 591t
 Proposition 106, 535–37
 Arizona Constitution, 519, 536
Arizona State Legislature v. Arizona Independent Redistricting Commission et al., 521–23, 536–37
- Arkansas, 553
 television ads in, 792, 793t
- Article I of U.S. Constitution, 433, 521, 522, 537
 meaning of “legislature” in, 523, 530–33, 537
 section 4, 216, 439, 530–32, 534–37, 552
 text of, 216–17, 439, 530, 535
 section 10, 442, 468
 Clause 1 (*see* Impairments Clause/Contract Clause)
- Article II of U.S. Constitution, 433
 meaning of “legislature” in, 521–22, 537–39, 541–43, 546, 548, 551
 section 1, 174n34, 1146
 court decisions interpreting, 204–10
 NPV and, 493, 502, 521–23, 537–39, 541–43, 546, 548, 549, 551, 552
 text of, 164, 215–16, 220, 230, 280, 432, 493, 502, 521, 537–38, 551, 552
 section 4, 432
- Article III of U.S. Constitution
 section 2, 466
- Article V of U.S. Constitution, 437, 527, 529
- Articles of Confederation and interstate compacts, 441, 444
- ascertainment. *See* Certificate of Ascertainment
- automobile industry bailout, Obama's, 64–65
- Babcock, Lewis, 542–43
- “baby electoral colleges” (BECs)
 electors appointed by, 165, 172
 Kentucky's 1792 and 1796 state-level gubernatorial electoral college, 758
 Richmond, Virginia mayoral electoral college system, 752
 Tennessee's BECs, 172, 177, 193
- Baca, Michael, 253–54
- Baca, Polly, 254
- Baca v. Colorado Dep't of State*, 256
- “balance of power between state and federal governments,” 660
- “balance of power in choice of the President,” 619–21
- ballot access
 2024 requirements for, 982–83
 California tax return law unconstitutional, 904–908
 candidates with national support generally get, 981–82
 Colorado and Insurrection Clause, 908–909
Griffin v. Padilla, 904–908
 myth of minor parties' ballot access difficulties
 creating logistical nightmare for NPV, 981–83
 myth that NPV would keep candidates off ballot in a patchwork of stat
Trump v. Anderson, 908–909es, 903–11
See also ballots
- ballots
 ballot arrangement decided the 2000 election, 114–15
 government-printed
 voting before the days of, 168, 260, 261f, 262
 voting on, 262
 myth that states' electoral votes could go to candidate not on, 983–84
 public does not support attempts to keep candidates off, 911
See also hand-written votes; short presidential ballot; tickets
- bank merger in Texas (1964), 81–82
- battleground states/swing states, 26, 32t, 72, 81, 101, 562
 of 2016, 1137, 1137t
 2016 election events in, 33, 35, 36
 2020 election events in, 27, 29–32, 32t
 biggest metro areas of the 2012 and 2016, 564–65, 564t–67t
 cabinet travel in, 90
 definition and nature of, 26, 55–83, 299
 “no swing state left behind” calculation, 72
 Obama's travels in 2011 to, 88t
 population of, 32, 32t, 36, 36t, 38, 39t
 Latino populations, 73
 presidential interviews in, 90

- presidentially controlled grants to, 59
- the shrinking battleground, 97
 - comparison to 1960 election, 99, 100t, 101, 102t, 103
 - elections became more geographically centered 2008–2020, 98
 - emerging battlegrounds, 98
 - jilted battlegrounds, 98
- spectator states becoming, 689–91
- the stagnant battleground, 93, 95, 97
 - states voting for same party 2008–2020, 95, 96t, 97, 97t
- targeting, 56, 57
- voter turnout is lower in spectator states than in, 3, 129–44
- whole-number proportional method and, 366, 367t, 368–71, 370t, 371t
- See also* campaigning: in battleground states; decisive states; Florida; Wisconsin
- Bayh, Birch, lxi–lxiii, lxx, 112, 412, 422, 429
- Bayh–Celler amendment, lxi–lxiii, 417, 436, 438–40
 - description, 417–18
 - history, 418–29
- Bellmon, Henry, 426–27
- Benton, Thomas Hart, 159, 197
- Biden, Joe
 - and the early 2024 campaign, 79, 80
 - infrastructure projects and, 78
 - See also* election of 2020
- big cities, 741, 741t
 - 100 biggest cities, 738–39t
 - have one-fifth of U.S. population, 737, 737f
 - Electoral College as preventing candidates from campaigning only in, 740–42
 - myths about, 736–37, 740–42
- big counties, 733, 734t, 735f
 - myth that 146 of 3143 counties would dominate nationwide popular vote, 732–33, 735
 - See also* counties
- big metropolitan areas, myths about, 743–44, 746
- big states
 - myths about, 717–32
 - popular-vote percentage won by winner of 11 biggest states (2000–2020), 718, 718t
 - winner of 11 biggest states (2000–2020), 732t
- Black, Eric, 75
- blacks. *See* African Americans
- blue states and red states. *See* spectator states/safe states/ignored states
- “blue wall” theory. *See* Democratic “blue wall” theory
- Boating Offense Compact, 470, 476
- boundary compacts, 446–47
- breakpoints
 - defined, 352
 - See also under* electoral votes
- Buchanan, James, 18t, 24
- Buchanan, Pat, 114–15
- Bush, George H.W., 145–47
- Bush, George W.
 - 2003 travels, 84
 - Medicare prescription drug law and, 60, 61
 - See also* election of 2000; election of 2004
- Bush v. Gore*, 204n134, 235, 548–51, 622–23
 - “legislative wish” and, 500n7
 - McPherson v. Blacker* and, 204n134, 206, 235, 500n7, 548–50, 600, 606, 613, 616, 637, 638, 661
 - overview and summary of, 206
 - statements made in, 204n134, 235, 548–49, 600, 606, 616, 637, 661
- butterfly ballots, 114–15
- California
 - 2012 Obama vote from, 726, 726t
 - 2016 Clinton vote from, 721, 722t, 724, 725t
 - 2020 Biden vote from, 726, 726t
 - historical accident that put most of the Pacific Coast in, 727–28
 - myth that absentee and provisional ballots are not counted when they don’t affect presidential race, 976–77
 - myth that its Motor Voter Registration law allows non-citizen voting, 806–8
 - and New York would not dominate a popular vote, 719–28
 - political profile, 722, 722f
 - Proposition 111, 536
 - tax return and ballot access law unconstitutional, 904–908
 - top-two system in, 815–16
 - California Constitution, 559
 - California Supreme Court, 559
- campaign advertising, 48n87, 80
 - spending on, 38, 39t, 40, 43, 44, 44t, 45t, 46, 48n87, 50, 51
 - See also* television advertising
- campaign appearances, 46
- campaign donations for 2008, 44, 45t, 46
 - “exporting” and “importing” states, 46
- campaign events, general-election
 - defined, 27n59, 46
- distribution among the states
 - 1960, 99, 100t, 101, 102t
 - 2000, 48, 49t, 50
 - 2008, 41, 42t, 43f, 43–44, 44t, 46
 - 2008–2020, 93, 94t, 95f
 - 2012, 36, 37t, 38f, 38–40
 - 2016, 32–33, 33f, 34t, 35–36
 - 2020, 26–27, 27f, 28t, 29–32
 - 2024 prospects, 51–54
 - likely distribution in nationwide campaign, 591, 592t
- campaign period, “general-election,” 26n59

- campaigning
 - adjacent state, 31, 35
 - in battleground states, 689–91 (*see also under specific states*)
 - campaigning in 2nd- and 3rd-biggest metro area of, 568, 569t
 - campaigning in biggest metro areas vs. rest of state, 566–68, 566t–68t
 - concentration in a few states, 689–91
 - in every state
 - campaigning, in every state (*continued*)
 - and campaign spending, 781–82
 - and length of campaigns, 783–84
 - as physically impossible, 784–85
 - campaigns, presidential
 - concentration in a few states (*see campaigning: in battleground states*)
 - how they are currently run, 24–50, 561–91
 - myths about, 781–93
 - voters/states ignored in, 1–2, 24–50 (*see also* spectator states/safe states/ignored states)
 - and governance shaped by WTA rule, 55–83
 - See also* nationwide presidential campaign; *specific elections*
 - Cannon amendment of 1969, 282–84, 288
 - canvassing boards, state, 1163–72
 - carbon offsets and credits. *See* clean energy tax credits
 - Caro, Robert, 82
 - Carrico, Charles, 385
 - Carter, Jimmy, 18t, 21
 - Casten, Sean, 415
 - Castro, Fidel, 74–75
 - census, U.S.
 - myth that NPV can't handle changes arising from future, 816–18
 - partisan advantage created by inclusion of non-citizens in, 296–99
 - population changes after each, 125–26, 273, 295, 369, 396, 410
 - See also* population changes after census
 - Central Interstate Low-Level Radioactive Waste Compact, 458–59, 463, 467, 469–70
 - Certificate of Ascertainment (of appointment of electors), 239, 241, 497
 - containing actual number of popular votes vs. percentages, 1008
 - Governor refusing to issue
 - myth that NPV would be thwarted by, 988–92
 - NPV vs. current system in regard to, 991–92
 - keeping it secret until after Electoral College meeting, 1002–1018
 - nature of, 496–97, 507, 1150–51
 - New York's 2004, 265f, 265–66, 506
 - North Dakota's 2020, 1008, 1009f
 - overview, 239, 241, 1150–51
 - required to be issued by 6 days before Electoral College meeting, 1008–9
 - and secret-elections bill violating federal law, 1008–10
 - Vermont's 2008, 239, 240f
 - See also* canvassing boards
 - certificate of vote, 241, 242f
 - chads, hanging, 117
 - Chapman, Steve, 75
 - Chiafalo v. Washington* (faithless elector case), 795, 1033
 - 10th Amendment argument of Justices Thomas and Gorsuch, 650–52
 - McPherson v. Blacker* and, 637, 638, 644
 - overview and summary of, 209–10, 256–57, 644, 649
 - statements made in, 600, 641–42, 649–52, 795, 799, 895, 1104–5
- chief election officials, 494n3
 - Certificate of Ascertainment and, 496–97
 - defined, 490t, 494, 511
 - ministerial role, 500
 - nature of, 494
 - NPV and, 489t, 493–500, 507
 - vs. presidential elector certifying official, 511
 - child-voting proposal (giving parents extra vote for each minor child)
 - myth that NPV can be gamed by, 1108–11
 - problems with, 1110–11
 - citizen-initiative process
 - history of the initiative process, 517
 - interstate compacts and, 519–20
 - nature of, 458
 - protest-referendum process and, 517–19, 521
 - role in enacting NPV, 515–16, 521–46, 548–53, 555–59
 - pre- vs. post-election challenges, 558–59
 - state constitutional restraints on repeal/amendment of laws enacted by, 559, 560t
 - states with, 516t, 516–17
 - uses, 458–59
 - civil defense compacts, 447
 - Civil War mortality rates, 82
 - Clay, Henry, 10, 11, 24
 - clean energy tax credits, 67
 - Cleveland, Grover, 8, 18t, 22
 - Clinton, Bill, 145, 146
 - 1995 travels, 84
 - Clinton, Hillary, 6, 7, 7t, 34t, 35, 36t, 52, 108
 - close elections, 19n33, 103, 118
 - current era of, 12–15, 13t
 - historical periods with multiple consecutive, 15
 - See also* near-miss elections; *specific elections*
 - coalition-building, current system as encouraging, 689

- Cohen, Steve, 435
- Coleman, J. Miles., 155–56
- “colonial rule,” 721–23, 725, 726
- Colorado, campaign events in, 580
- locations of, 581f, 581t, 582t, 582f
- Colorado, ex rel. Salazar v. Davidson*, 533–34
- Colorado Amendment 36 (2004), 316–17, 541–43
- Colorado Constitution, 196–97
- Colorado River Compact, 452, 457, 460, 463, 469, 484
- Columbia River Compact, 444
- Compact, the. *See* National Popular Vote Interstate Compact
- Compact Council, 455, 676
- Compact for Pension Portability for Educators, 476–77
- compacts *sans* commissions, 476, 1024
- compound republic
- concept of, 658–59
- consistency of NPV with, 658–59
- James Madison on, 658, 780
- United States as a, 659, 780
- Congress, U.S.
- counting electoral votes, 242–43, 1153–55
- meanings of “Congress” (as used in Constitution), 527
- presidential election thrown into (*see* contingent elections)
- See also specific topics*
- Congressional Black Caucus, 433
- congressional consent to NPV
- Congress as unable to give consent, 843–45
- constitutional crisis created by the question of whether NPV requires, 859
- to DC Council’s enactment of NPV, 873–77
- developments between 1893 and 1978, 841
- developments since 1978, 851–52
- early 19th-century federal and state court decisions concerning, 838–39
- interstate compacts that do not receive consent as unenforceable and “toothless,” 860–68
- myths about, 835–68
- not mentioned in NPV’s text, 836–37
- NPV does not encroach upon federal supremacy and hence does not require, 843–45
- prior to NPV’s consideration by state legislatures, 835–36
- as required before NPV can take effect, 837–52
- congressional consent to interstate compacts, in general, 486
- advance consent to broad category of compacts, 484–85
- conditional, 485
- advance consent to particular compact, 484
- conditional, 486
- duration, 485–86
- explicit, 481–82
- on behalf of District of Columbia, 483
- when federal government is a party to a compact, 482–83
- implied, 483–84
- presidential involvement in, 486–87
- See also* congressional consent
- congressional-district method of awarding electoral votes. *See* district method
- Connecticut Compromise. *See* Great Compromise of 1787
- conservative support for Electoral College and opposition to popular vote, 828, 829, 829t, 830f, 833, 834t, 835t
- Constant Two Plan, 1142, 1143
- myth that benefits of popular vote can be achieved by, 1142–43
- constituent assembly. *See* constitutional convention
- Constitution, U.S.
- articles (*see specific articles*)
- myths about, 597–685
- as obsolete, 648
- power over presidential elections, 439
- See also specific topics*
- constitutional amendments. *See* Amendments of the U.S. Constitution
- Constitutional Convention (1787), 163, 524t, 529–30
- methods of electing President rejected by Constitutional Convention are constitutionally permissible, 617–18
- the vote against direct election of President at, 612–18
- See also* Great Compromise of 1787
- constitutional convention, federal
- NPV would not lead to a, 681–82
- constitutional crisis, NPV as creating, 859
- constitutional provisions on presidential elections, 1146–49
- constitutional right to vote for President. *See under* voting rights
- constitutionality of NPV
- myth that courts will be bogged down with litigation concerning, 1034–35
- myth that it would not be decided until after NPV is used, 1031–34
- myths about adjudication of the, 1031–35
- NPV as unconstitutional, 659
- because it is not an amendment, 597–601, 682–83
- because of 12th Amendment, 659–60
- because of 14th Amendment (section 2), 662–65
- because of back-up provision for filling electoral vacancies, 666–68
- because of court decision in 1995 term limits case, 668–71

- constitutionality of NPV (*continued*)
 - because of court decision in 1998 line-item veto case, 671–74
 - because of Equal Protection Clause, 622–29
 - because of Guarantee Clause, 656–59
 - because of implicit constraints on state's method for appointing electors, 644–52
 - because of Privileges and Immunities Clause, 660–62
 - because U.S. is a republic, not a democracy, 652–56
 - Kristin Feeley on, 619, 656, 659
- constitutions, state. *See* state constitutions
- contested elections
 - and suspension of secret-elections bill's secrecy provision, 1012
 - See also* election disputes; election of 1796; election of 1800
- contingent elections, 3, 20, 107, 145–47, 149, 223
 - 1911 choice of size for House of Representatives and, 113–14, 125
 - combinations of states that could have led to contingent elections (in 21st century), 151–53
 - NPV and, 629–34
 - opportunities for mischief in, 150
 - procedure for conducting, 147–49
 - prospects for 2024 contingent election, 154–56, 155f
 - likely composition of House delegations in 2025, 156, 157t, 158
 - northern-sunbelt combination, 154–55
 - for Vice President, 23, 147–49, 152
 - See also* absolute majority of electoral votes
- Contract Clause. *See* Impairments Clause/Contract Clause
- Cooper, Roy, 81
- corrections compacts, 447
- “Corrupt Bargain” (1824 election), 11
- corruption
 - national popular vote as guaranteeing, 825–27
 - See also* fraud
- Council of the District of Columbia (D.C. Council), 461, 483, 515
 - congressional consent to Council's enactment of NPV, 873–77
 - myth that Council's enactment of NPV is incomplete, 873–77
- counties
 - popular election of electors by county, 167–68
 - See also* big counties
- COVID-19 pandemic, 29n62, 118
 - no-sail order for cruise ships during, 79
- crime-control compacts, 447
- Crime Control Consent Act of 1934, 484–85
- Cuban American vote, 74, 75
- Cuban policy, 74–75
- cultural compacts, 448
- Cunningham, Noble E., Jr., 182–83
- Cuyler v. Adams*, 465–66
- dairy farmers, Wisconsin, 69–70
- Daniel, Wiley, 254
- Davis, Tom, 150
- D.C. Council. *See* Council of the District of Columbia
- dead presidential candidates
 - replacement of, between Election Day and Electoral College meeting, 822–24
- death of presidential or vice-presidential nominee, 244
 - deviating votes cast after, 247–49
- decisive states
 - in 2000, 111, 111f
 - in 2004, 110, 110f
 - in 2008, 109, 110f
 - in 2012, 109, 109f
 - in 2016, 107–8, 108f, 151
 - in 2020, 107, 108f, 151
 - decisive votes in decisive states 2000–2020, 106, 106t, 107, 129
 - in near-miss elections, 19, 19t, 20
 - in wrong-winner elections, 4, 4t, 5–11, 6f, 7t, 8f–11f
 - See also* battleground states/swing states
- Delaware, 167–68, 205
- Delaware River Basin Compact, 454, 472
- Delaware River Joint Toll Bridge Commission v. Colburn*, 464–65
- Delaware v. State of New York, State of*, 205, 625, 714, 715, 851
- demagogue coming to power, Electoral College as preventing, 776–77
- democracy, 307
 - undemocratic practices and threats to, 12 (*see also* post-election controversies)
 - a small number of votes in a few states regularly decides the presidency, 103–7 (*see also* decisive states)
 - undermined by talking points about alternative universes where certain voters are treated as illegitimate, 728
 - U.S. is a republic, not a, 652–56
- Democrat support for moving to popular vote, 829t, 833, 834t
- Democratic “blue wall” theory
 - 2012 election results and, 1092–93
 - 2012 two-percentage-point Democratic advantage in Electoral College and, 1093–94
 - emergence in 2009, 1091–92
- Democratic Governors Association, 51
- Democratic presidential nominee
 - recent popular votes in 13 smallest states in favor of, 707, 707t

- See also* partisan advantage
- Democratic Senatorial Campaign Committee, 51
- Department of Homeland Security, 73
- Department of Transportation (DOT) discretionary funds, 76–77
- direct election constitutional amendment(s), 417
- and history of the amendment process, 437–38
 - introduced in 2019–2020, 434
 - introduced in 2021–2022, 434–36
 - issues arising when amendments are considered, 438–40
 - none introduced in 2023 or early 2024, 436
 - prospects for adoption of, 437–40
 - would accurately reflect popular vote, 436
 - would make every vote equal, 436
 - would make every voter relevant, 437
- See also* amendment process; Bayh–Celler amendment; *specific amendments*
- disabled presidential candidates, replacement of
- between Election Day and Electoral College meeting, 822–24
- disaster declarations, 57–58
- discredited presidential candidates, replacement of
- between Election Day and Electoral College meeting, 822–24
- disinformation campaigns, 111, 112
- district method (congressional-district method of awarding electoral votes), 216, 241
- with chosen electors selecting state’s remaining electors, 171
 - consequences of using, 167
 - constitutional amendment to adopt, 199
 - history of, 376–79, 615
 - 1820 enactment in Maine, 19
 - 1892 challenge to district method, 1032
 - 1892 enactment in Michigan, 379–81
 - 1969 enactment in Maine, 200, 207, 381
 - 1991 enactment in Nebraska, 200
 - 1992 congressional-district proposals, 381
 - 2011 congressional-district proposal in Pennsylvania, 381–82
 - 2013 congressional-district proposals, 382–87
 - 2021 congressional-district proposals in state legislatures, 387, 388t, 389
 - effect of district method in six states in 2012, 383, 383t
 - first appearance of the present-day district method, 194
 - with legislature appointing state’s senatorial electors, 171
 - with legislature making final choice, 168–69
- overview and nature of, 271, 375–76
- prospects for adoption of, 402
- adoption as a federal constitutional amendment, 403
 - adoption on a state-by-state basis, 402–3
 - repeals of, 186
 - and statewide popular election for state’s senatorial electors, 171
 - using constitutional amendment to implement, 377–78
 - using state legislation to implement, 378–79
 - would not accurately reflect popular vote, 389–93
 - would not make every vote equal, 393–96
 - would not make every voter relevant, 396, 399, 401–2
- District of Columbia
- Congress not needed to change WTA rule for, 870–72
 - entering into interstate compact, 868–70
 - DC binding itself by means of interstate compact, 872–73
 - myths about, 868–77
 - statehood and, 868–69, 872–73
- District of Columbia Home Rule Act of 1973, 461–62, 483, 515
- divergent elections. *See* wrong-winner elections
- Dobracki, Thaddeus, 786
- Dole, Robert E. “Bob,” 424–26
- doubtful states. *See* battleground states/swing states
- Douglas, William O., 558
- Dowd, Matthew, 14–15
- Driver License Compact, 477
- Due Process Clause, a post-election change in rules would violate, 895–98, 900–902
- Duncan, Alexander, 221, 222, 224, 225
- Durenberger, David, 428–29
- Duverger’s Law, 761–62
- Dyer v. Sims*, 465
- Eastlake v. Forest City Enterprises*, 550–51
- Eastman, John, 227–28
- Edgar, Jim, 83
- education compacts, 448
- Edwards, George C., III, 163, 296
- Edwards, John, 241, 249. *See also* election of 2004
- Eighteenth Amendment, 528–29
- election administration, myths about, 938–42
- election bureaucracy, myth that NPV would result in sitting President appointing, 938–40
- election compacts, 448
- election controversies. *See* post-election controversies
- Election Day, 224, 225, 229–31
 - 1789, 169, 173
 - 1845, 169
 - defined, 230, 1157
 - electors may be appointed only on, 879–82, 1150
 - electors must be appointed in accordance with laws enacted prior to, 879
- See also under* Electoral College meeting
- Election Day write-in votes, 259

election disputes

- commission to resolve disputes about popular vote counts, 1023–25
- myths about adjudication of, 1023–31
- between states
 - myth that states could challenge elections in other states under NPV, 1026–27
 - NPV's silence as to how to adjudicate, 1028
- See also* contested elections; post-election controversies
- election litigation. *See* post-election litigation
- election of 1789, 172–73
 - methods of appointing electors, 173t
- election of 1792
 - methods of appointing electors, 174–76
- election of 1796
 - the first contested election and emergence of political parties, 176–81
 - methods of appointing electors, 179t
- election of 1800
 - the second contested election, 181–90
 - Virginia's adoption of winner-take-all law, 181–86
- See also* Vindication of the General Ticket Law
- election of 1808, 249
- election of 1812, deviating votes for Vice President in, 247
- election of 1820, 249
- election of 1824, 4t, 10–12, 11f, 142, 145, 159
 - and elimination of senatorial electors, 407
 - voter turnout in battleground vs. spectator states, 142, 143t
- election of 1828, deviating votes for Vice President in, 247
- election of 1832, deviating votes for Vice President in, 247
- election of 1836, deviating votes for Vice President in, 248
- election of 1844 as near-miss, 18t, 24
- election of 1848 as near-miss, 18t, 24
- election of 1856 as near-miss, 18t, 24
- election of 1860
 - as near-miss, 18t, 22–23, 23t
 - Republican Party ticket for Worcester in, 260, 261f, 262
- election of 1864, 1113, 1113t
- election of 1872, Republican Party ticket for Ward 10 of Boston in, 262, 263f
- election of 1876, 504–5
 - and elimination of senatorial electors, 408
 - as wrong-winner election, 4t, 9–10, 10f, 114
- election of 1880, results of, 772, 772f
- election of 1884 as near-miss, 18t, 22
- election of 1888
 - and elimination of senatorial electors, 407
 - Grover Cleveland's loss attributed to Electoral College, 770–73

results, 771, 771f

- as wrong-winner election, 4t, 8, 9f
- election of 1896, deviating votes for Vice President in, 248–49
- election of 1916 as near-miss, 18t, 22, 113, 114
- election of 1944, votes in southern states in, 276, 277t
- election of 1948
 - grand-standing vote, 250
 - as near-miss, 18t, 22
- election of 1956, 250
- election of 1960, 81, 102t
 - arguments about whether it was a wrong-winner election, 974–75
 - compared with recent elections, 99, 101, 103
 - distribution of campaign events, 99, 101t, 102, 103t
 - grand-standing vote, 250
 - myth that 1960 Alabama election reveals flaw in NPV, 972–75
 - as near-miss, 18t, 21
- election of 1968, 418–19
 - grand-standing vote, 250
 - as near-miss, 18t, 21
- election of 1972, 250–51
- election of 1976
 - grand-standing vote, 251
 - as near-miss, 18t, 21, 113, 114
- election of 1988, 251
- election of 1992, 145–47
 - under fractional-proportional method, 300, 301t
 - results of, 346, 347t
 - under whole-number proportional method, 346, 348t
- election of 1996, results of, 342, 343t
 - under whole-number proportional method, 342, 344t, 345t
- election of 2000, 162
 - Bush would have won under fractional-proportional method, 302–3, 303f
 - combinations of states that could have resulted in contingent election, 153
 - decisive states, 111, 111f
 - and elimination of senatorial electors, 408–9
 - under fractional-proportional method, 288, 290t, 291
 - after exclusion of minor-party candidates, 291, 292t
 - grand-standing vote, 251
 - hanging chads in, 117
 - myth that it illustrates Republican structural advantage under current system, 1088
 - polls in the 5 days before, 1075, 1076t
 - probability that nationwide recount would have changed outcome, 1047–48, 1048f
 - rain in part of one state decided the, 116–17

- results of, 288, 289t, 290t, 336
 - under whole-number proportional method, 336, 340t
 - See also under Florida*
- election of 2004, 162
 - accidental electoral vote, 249
 - combinations of states that could have resulted in contingent election, 153
 - decisive states, 110, 110f
 - as near-miss, 18t, 20–21
 - possibility of wrong winner, 14
 - results of, 332, 337t
 - under whole-number proportional method, 336, 338t, 339t
- election of 2008, 160
 - combinations of states that could have resulted in contingent election, 153
 - decisive states, 109, 110f
 - results of, 332, 333t
 - under whole-number proportional method, 332, 334t, 335t
 - voter turnout in battleground vs. spectator states, 140t, 140–42, 141t
- election of 2012, 160
 - closely divided battleground states, 350, 351t
 - combinations of states that could have resulted in contingent election, 152
 - decisive states, 109, 109f
 - possibility of wrong winner, 14
 - results of, 328, 329t, 773, 773f
 - under whole-number proportional method, 328, 330t, 331t
 - tie-producing uniform adjustment of election data, 1094, 1095t
 - voter turnout in battleground vs. spectator states, 137, 137t–39t, 140
 - under whole-number proportional method, 364, 365t, 366
- election of 2016, 160
 - battleground states, 1137, 1137t
 - combinations of states that could have resulted in contingent election, 151–52
 - congressional districts where presidential race was within 8%, 400–401t
 - decisive states, 107–8, 108f
 - and elimination of senatorial electors, 405, 406t
 - under fractional-proportional method, 324, 324t
 - grand-standing vote, 251–55
 - myth that California accidentally gave Trump 4.5 million extra votes, 957–60
 - nomination of elector candidates and, 233–34
 - results of, 318, 319t
 - under whole-number proportional method, 318, 320, 321t, 322, 323t, 324, 324t
 - revived the belief that Electoral College favors Republican Party, 1094, 1096
 - three decisive states in, 5–6, 6f
 - Trump won popular vote in battleground states, 7, 7t
 - voter turnout in battleground vs. spectator states, 132–35, 133t–36t
 - as wrong-winner election, 5–7
 - See also under Maine*
- election of 2020, 159–60, 161t
 - Biden's lead in closest states he carried in, 1012t, 1012–13, 1013t
 - closest congressional districts that Biden won, 391–93, 392t
 - combinations of states that could have resulted in contingent election, 151
 - congressional districts where presidential race was within 8%, 397, 398–99t
 - decisive states, 107, 108f
 - as near-miss, 18t, 19–20
 - results of, 324, 326t
 - under whole-number proportional method, 324, 326t, 327t, 328
 - states where Biden had less than 0.8% lead, 979, 980t
 - voter turnout in battleground vs. spectator states, 129–30, 130t, 131t, 132
 - voters/states ignored in, 26–27, 29–32
- election of 2024
 - early 2024 campaign, 79–80
 - likely background states and districts and, 53, 53f, 54t
 - See also under contingent elections*
- election officials
 - myth that NPV would burden, 941–42
 - See also* chief election officials; presidential elector certifying official
- election recounts. *See* recounts
- election reform
 - proposals for, 271 (*see also specific proposals*)
 - criteria for evaluating, 271, 272t
 - See also specific topics*
- Electoral College, 111, 112
 - deliberative nature of, 173–74
 - exaggerated lead produced by, enhancing incoming President's ability to lead, 800–802
 - history, 163–64
 - how it works, 215–17
 - federal constitutional and statutory provisions, 217–32
 - myth that it produces good Presidents, 802–4
 - nondeliberative nature of (since 1796), 212–13
 - NPV would not abolish, 611–12
 - vacancies in, 1150
 - See also* “baby electoral colleges”; presidential electors; *specific topics*
- Electoral College abolition amendment. *See* direct election constitutional amendment(s)

- Electoral College meeting
 - date for, 230–31, 232f
 - period between Election Day and
 - myth about withdrawing from NPV during, 878–98, 900–903
 - myth that Secretary of State could change state's method of awarding electoral votes during, 992–94
 - replacement of dead/disabled/discredited presidential candidate during, 822–24
 - procedures for, 232
- Electoral college oddities
 - Kentucky's 1792 and 1796 state-level gubernatorial electoral college, 758
 - Richmond, Virginia mayoral electoral college system, 752
 - Tennessee's "baby electoral college" for President 165, 172, 177, 193
- Electoral College vote count (2021). *See* January 6, 2021
- Electoral Count Act of 1887, 225–29, 231, 243, 902
- Electoral Count Reform Act of 2022 (ECRA), 155, 226, 229–31, 239, 243, 1150–57
 - and 3-judge court available to candidates, 946–48, 951, 960, 964, 987–88, 991, 1002, 1010–11, 1027, 1038, 1066–67, 1073
 - improvements over 1887 Act, 947–48
 - provisions, 1150–57
 - section 21 (definition of Election Day), 880, 1157
- electoral fraud, 112–13
- electoral incentives guiding policy, 58
- electoral reform. *See* direct election constitutional amendment(s)
- electoral-vote margin coming from just one state, cases of a candidate's entire, 729, 730t
- electoral votes
 - accidentally cast, 245, 249
 - counting electoral votes in Congress, 242–43, 1153–55
 - distribution among states, 218, 219t
 - increasing the number of, 414–15
 - and accuracy in reflecting popular vote, 416
 - bill for, 415
 - would not make every vote equal, 416
 - would not make every voter relevant, 416
 - number of voters per electoral vote, 121, 122t, 123t, 123–24, 124t, 126, 126t, 127t
 - number required for election, 218
 - states with 3, 352t, 352–56, 353f, 354f, 355t
 - breakpoints for, 352t, 352–54, 355t, 356
 - states with 4, breakpoints for, 356t, 356–57, 357t
 - states with 5, breakpoints for, 358t
 - states with 6, breakpoints for, 359t, 360
 - states with 7, breakpoints for, 360t, 361t
 - states with 8, breakpoints for, 361
 - states with 12 or more, breakpoints for, 363–64
 - value of
 - in states with 3 electoral votes, 11, 123, 123t
 - in states with 4 electoral votes, 123, 124t
 - in states with 6 electoral votes, 124, 124t, 126
 - won by each party 1992–2020, 706, 707t
- electors. *See* presidential electors
- Eleventh Amendment, 467, 468, 474
- Elmer, Lucius, 221
- Emancipation Proclamation, 1113
 - myth that it would not have happened without Electoral College, 1112f, 1112–13
- emerging battlegrounds, 98
- enclaves, consenting to the federal purchase of, 525t, 556–57
- energy compacts, 449
- Engel amendment with 5% threshold of 2001, 284–86, 288, 291
- England, Morrison C., 905–6
- England, Trent, 641, 691–92, 696, 770–73, 916, 922, 939–40, 949, 952–53, 955–56, 969, 976, 1028, 1031–32, 1061, 1106. *See also* "one-person-seven-votes" scheme
- Equal Citizens, 206
 - challenge to WTA laws, 206–9
- Equal Protection Clause (14th Amendment), 205, 206, 208
 - and constitutionality of NPV, 622–29
- equality of votes. *See* every vote equal
- European Union (EU), lobster tariffs and, 76
- every vote equal
 - direct election constitutional amendment would make, 436
 - district method would not make, 393–96
 - eliminating senatorial electors would not make, 410–11
 - increasing the number of electoral votes would not make, 416
 - National Bonus Plan making, 414
- exceptional electoral votes
 - categories of, 244–45, 246t
 - See also* faithless presidential electors
- "executive," defined, 1157
- Exon amendment (1992), 429–31
- extremist candidates proliferating under popular vote, 764–66
- facilities compacts, 449
- facility-management compacts, 476
- "failed to make a choice" provision (1845)
 - 2020 election and, 226–27
 - history, 221–26
 - repeal of, 229
- FairVote, 924, 930, 931
- faithful elector laws, 253–54, 256–58
- faithless presidential electors, 243–45
 - myths about, 794–800

- myth that faithless electors would be a problem under NPV, 794–95
- Samuel Miles' faithless electoral vote in 1796, 180–81, 213, 245, 246t, 255–56
- See also Chiafalo v. Washington*
- fake news, 112. *See also* disinformation campaigns
- farmers, Wisconsin dairy, 69–70
- Farnsworth, Stephen J., 31
- Faughnan, Brian, 56–57, 64–65, 73–74
- federal control of elections, myth that NPV would create slippery slope leading to, 940–41
- federal court. *See* three-judge federal court
- Federal Emergency Management Agency (FEMA), 72–73
- federal-interstate compacts, 454–55
- federal supremacy
 - a mere federal “interest” does not constitute a threat to, 845–47
 - NPV does not encroach upon, 843–45
- federalism
 - ameliorates the effect of partisan manipulation, 1111
 - NPV as undermining, 627, 638–40
- Federalists
 - 1789 election and, 172–73, 544
 - 1796 election and, 180–81, 190–91
 - 1800 election and, 181–89
 - vs. Anti-Federalists, 172–73, 544
- Feeley, Kristin, 619, 656–59
- Feinstein amendment (2005), 431–33
- FEMA (Federal Emergency Management Agency), 72–73
- Ferling, John, 188, 190
- Ferraro, Charles, 681
- Fidel Castro argument (for implicit restraints on states' methods of appointing electors), 646–48
- Fifteenth Amendment, Section 1, 1148
- financial qualifications for voting, abolition of, 607–8
- fire-engine visit, 35
- First Amendment, 206–8
- fish compacts, 449
- Fishbein, Craig, 681
- Fleischer, Ari, 26
- flood-control compacts, 449
- Florida
 - 1992 congressional-district proposal in, 381
 - 2000 election campaign events, 48
 - 2000 election in, 902–3
 - choice of ballot arrangement by one county official decided the, 114–16
 - recount, 115–16
 - 2013 congressional-district proposal in, 382–84
 - campaign events, 574
 - locations of, 574, 575t, 576, 576f, 577t
- Florida Supreme Court, 548, 549, 551
- Ford, Gerald, 21
- foreign electoral intervention, 111–12
- Founding Fathers (Founders), 232
 - did not design current system of electing President, 601–4
 - vision of Electoral College as deliberative body, 176, 177, 180, 210, 244
- Fourteenth Amendment, 206, 1147
 - Privileges and Immunities Clause, 660–62
 - section 2, 662–65
 - See also* Equal Protection Clause; Insurrection Clause
- fractional-proportional (Lodge-Gossett) method (FP) of awarding electoral votes, 302
 - 1992 election under, 300, 301t
 - 2000 election under, 288, 290t, 291
 - after exclusion of minor-party candidates, 291, 292t
 - 2016 election under, 324, 324t
 - does not appeal to natural constituencies for electoral reform, 305, 307
 - history of, 273–79
 - overview and nature of, 271–73, 281
 - prospects of adoption for the, 302–5, 307–9
 - Republican Party and, 307–8
 - top-two version of
 - nationwide, 286, 291, 293
 - spoiler effect would not be eliminated by, 300, 302
 - state-level, 286–87, 293
 - value of a vote under fractional-proportional method compared to smallest state, 304, 306t
 - would make every voter relevant, 295–96
 - would not make every vote equal, 293–94
 - inequality due to two senatorial electoral votes, 294 (*see also* under inequality in the value of a vote)
 - would not reflect national popular vote, 287
 - would require a constitutional amendment, 280
 - See also* Lodge-Gossett Amendment of 1950
- Francis, Leslie, 389–90, 396
- fraud, electoral, 112–13
 - current system as minimizing, 824–25
 - myths about, 824–27
- French presidential election system, myth that NPV is a copy of the flawed, 813–16
- frigate contract in Wisconsin, 65–66
- full fusion voting, 262, 264
- Fuller, Melville, 194, 379
- fusion voting, 262, 264–66
- gaming compacts, Indian, 455
- gaming the NPV, myth about states, 1108–11
- Gans, Curtis, 389–90, 396
- General Ticket Law, 184–85

- general ticket system, 178, 183–86, 195, 197–98, 234–35, 380
terminology, 178n52
A Vindication of the General Ticket Law, 184–86, 1158–62
See also winner-take-all (WTA) system
- geographic dispersal of Electoral College, 232
- Georgia 2020 statewide recounts, 1057–58
- Georgia in 1800, 187
- Geruso, Michael, 15
- Godshall, Robert, 384
- Gore, Al, 7, 8, 49, 114, 115, 117
- Gorsuch, Neil
10th Amendment argument in *Chiafalo v. Washington*, 650–52
- Gossett, Ed, 274–79, 295. *See also* Lodge-Gossett Amendment of 1950
- governance is shaped by WTA rule, 55–57
ban on off-shore drilling in Florida, 70–71
bank merger in Texas (1964), 81–82
Civil War mortality rates, 82
clean energy tax credits, 67
Cuban policy, 74–75
Dept. of Transportation discretionary grants, 76–77
disaster declarations, 57–58
early 2024 campaign, 79–80
FEMA and Hurricane Frances in Florida (2004), 72–73
frigate contract in Wisconsin, 65–66
Great Lakes Restoration Initiative, 72
Harris' July 2024 vice-presidential choice, 80–81
Hurricane Maria in Puerto Rico, 78
immigration policy and prosecutorial discretion, 73–74
impact of travel on governance, 83
infrastructure projects, 78
Interstate 11, 69
lobster tariffs and the EU, 76
Medicare Part D legislation (2003), 60–62
military spending in battleground states, 66–67
NAFTA revisions and Wisconsin dairy farmers, 69–70
No Child Left Behind Act exemptions, 72
no-sail order for cruise ships during COVID, 79
Obama's auto industry bailout, 64–65
presidential vetoes and positions of battleground state Senators, 82–83
presidentially controlled grants, 58–59
rail corridors, 68–69
ricotta cheese factory gets SBA's largest loan, 67–68
steel quotas (2002), 62–64
Superfund enforcement actions, 72
tank contract in Lima, Ohio, 66
tariffs (2017–2020), 70
Yucca Mountain in Nevada, 71
- Governor and his Council (GC)
electors appointed by, 166
See also “Grand Committee”
- Governors
appointment of electors by, 166, 171, 616–17
Governor's “prerogative” would provide no reason to favor current system over NPV, 986
myth that they can thwart NPV by ignoring it, 984–88
See also gubernatorial elections; rogue Governor
- “Grand Committee” (Governor, Council, and House), electors appointed by, 171
- grand-standing votes for President, 245, 249–55
- grants
Dept. of Transportation discretionary, 76–77
presidentially controlled, 59
- Great Compromise of 1787
distribution of influence envisioned by, 618–21
See also Constitutional Convention
- Great Lakes Basin Compact, 460, 462–63
- Great Lakes Restoration Initiative, 72
- Grier, Kevin B., 83
- Grove, Seth, 384
- Guarantee Clause, 557–58
and constitutionality of NPV, 656–59
does not apply to federal government, 657
as non-justiciable, 657
- gubernatorial elections
states that changed from electoral college to popular, 757–61, 760t
where winner got less than 45% of vote, 756–57, 757t
- Gulf States Marine Fisheries Compact, 462
- Haas, Benjamin, 111–12
- “hair breadth” elections, 17n31. *See also* close elections; near-miss elections
- Hale, John Parker, 222
- Hamilton, Alexander, 174, 188–89, 252, 425
myth that he considered current system “excellent,” 1105–8
- hand-written votes, 168, 170, 180, 260
- hanging chads in Florida (2000), 117
- Hardaway, R overt, 698, 768, 939, 1114,
- Harris, Kamala, 31
July 2024 vice-presidential choice, 80–81
See also election of 2024
- Harrison, Benjamin, 4t, 8, 380
- Hasen, Richard L., 113, 117, 923, 1029, 1034
- Hawke v. Smith*, 527–28, 531, 533
- Hayes, Rutherford B., 4t, 9. *See also* election of 1876
- health compacts, 450
- Help America Vote Act of 2002 (HAVA), 431, 977
- high-speed rail. *See* rail corridors

- Hitler's rise to power, popular vote and, 777–78
Hollingsworth et al. v. Virginia, 527–28
 Holt, Michael F., 408
 Holt, Russell, 210
 Holtzman, Elizabeth, 468
 Home Rule Act. *See* District of Columbia Home Rule Act of 1973
 home-state campaigning, 32, 36
 Homeland Security, Department of, 73
 House of Representatives
 choosing President, 629–34 (*see also* contingent elections)
 effect of 1911 choice of size (number of seats) for, 113–14, 125
 imprecision in apportionment of House seats (*see under* inequality in the value of a vote)
 increasing the size of (*see also* electoral votes: increasing the number of)
 prospects for, 416
 Hoyer, Steny, 61
 Hudak, John Joseph, 56–59, 64–65, 73–74
 Hughes, Charles Evans, 22
 Hunt, Albert, 15
 Huntington–Hill method (method of equal proportions), 125
 Hurricane Maria in Puerto Rico, 78
 hurricanes, effects of, 785–88

 Idaho 2020 presidential ballot, 237, 238f
 ignored states. *See* campaigning; spectator states/safe states/ignored states
 immigration policy and prosecutorial discretion, 73–74
 Impairments Clause/Contract Clause, 862, 872–73, 878
 prevents a state from repealing NPV between Election Day and Electoral College meeting, 883–98, 900–903
 imperial legislature theory, 892–896
 income qualifications for voting, abolition of, 607–8
 independent candidates, 145–47
 court precedents protecting ballot access for, 909–10
 independent state legislature theory, 522, 523
 Indian gaming compacts, 455
 Indianapolis, television ads in, 792, 792t
 inequality in the value of a vote, sources of, 2–3, 120
 imprecision in apportionment of House seats, 121, 123–24, 273
 effect of 1911 choice of number of seats, 125
 effect of 1941 choice of the mathematical formula, 124–25
 eliminating senatorial electors and, 410
 fractional-proportional method and, 294–95
 whole-number proportional method and, 368
 inequality in voters' power to decide national outcome, 127, 129
 number of votes needed to win an electoral vote, 369–71, 396, 411
 population changes after each census, 125–26, 273, 295, 369, 396, 410
 two senatorial electoral votes, 120–21, 122t, 273, 294, 368, 393
 voter-turnout differences, 127, 273, 295, 368, 396, 410
 infrastructure projects, 78
Initiative: Citizen Law-Making, The (Zimmerman), 458, 517
 Insurrection Clause, attempt to keep Trump off 2024 ballot based on, 908–9
 Interpleader Compact, 473
 Interstate 11, 69
 Interstate Agreement on Detainers, 447, 453, 466, 471, 482–84
 Interstate Compact for Juveniles, 447
 Interstate Compact for Supervision of Parolees and Probationers of 1937, 447
 Interstate Compact on the Placement of Children, 472
 interstate compacts
 adjudication and enforcement, 466–68
 administration, 475–77
 amendments to, 468–69
 and citizen-initiative and protest-referendum processes, 519–21
 congressional involvement in, 480–87
 constitutional basis for, 441–42
 contingent nature of, 462–63
 contingent on enactment of federal legislation, 464
 duration, 469
 elections as inappropriate topic for, 852–54
 vs. federal multi-state commissions, 479–80
 future of, 487–88
 history of, 444–46
 interaction with existing or future federal laws, 486
 interpreted under federal vs. state law, 464–66
 legal standing, 442–44
 majority vote required for enactment of, 457
 methods for enacting, 457–62
 origination, 455–57
 parties to, 453–55
 style, 477
 termination, 469–70
 topics covered by, 446–53
 vs. treaties, 478
 vs. uniform state laws, 478–79
 withdrawal from, 470–75
 See also congressional consent to interstate compact; *specific compacts*
 Interstate Corrections Compact, 447

- Interstate Disputes: The Supreme Court's Original Jurisdiction* (Zimmerman), 466–67, 476
- Interstate Taxation of Motor Fuels Consumed by Interstate Buses, 471
- interviews with local news stations, presidential, 90, 92
- inversions. *See* wrong-winner elections
- “Inversions in U.S. Presidential Elections” (Geruso), 15
- Iowa campaign events, 579
- locations of, 579t, 580, 580t, 580f
- Iowa nominating caucus, myth that NPV would eliminate, 812–13
- Jackson, Andrew, 4t, 10, 11
- Jackson, Robert H., 243–44
- Jackson Amendment of 2011, 433–34
- Jackson-Frank amendment (2005), 431
- January 6, 2021, events of, 169, 218, 221, 226–29
- Jay, John, 163–64, 188–89
- Jay Treaty, 177
- Jefferson, Thomas
- letter to James Monroe, 183–85, 212, 316, 373–74, 402
- See also* election of 1796; election of 1800
- Jews, 277–79
- joint battlegrounds, 31, 98, 312, 384
- defined, 98
- Jim Crow laws, 610, 761n322
- Johnson, Kevin, 286, 291, 300, 308
- Johnson, Lyndon B.
- and bank merger in Texas (1964), 81–82
- Jones, John T., Jr., 81, 82
- judicial panels. *See* three-judge federal court
- July 20 deadline (for NPV member states to possess majority of electoral votes), 816, 817, 860, 1073–75, 1080–81
- makes NPV less vulnerable than current system to politically motivated last-minute changes by states, 1082–84
- myth that state could pop in/out of NPV for partisan reasons prior to July 20, 1073–84
- Kamarck, Elaine, 112
- Kansas, 202, 360, 487
- Kansas ballot, failed attempt to keep Obama off, 911
- Kansas v. Colorado*, 467
- Kelly, Mark, 81
- Kennedy, John F., 18t, 21, 81, 99, 100t
- Kentucky, 483–84
- use of multi-electoral districts (1804–1824), 194
- Kentucky's 1792 and 1796 state-level gubernatorial electoral college, 758
- Kerry, John F., 14, 20, 47t
- Keyssar, Alexander, 274–75, 279
- Kirby, J., 551
- Kondik, Kyle, 155–56, 158
- Kriner, Douglas L., 64
- laches*, doctrine of, 1033–34
- large states. *See* big states
- last-minute opportunity (campaign events), 31, 35, 40
- Latino populations in swing states, 73
- Leach, James A., 412–13
- “legislative wish,” 500, 521
- “legislature,” meaning of the term in U.S. Constitution, 524t, 526–57
- Lemon, Don, 297
- Leo, Leonard, 309
- Lessig, Lawrence, 206, 251
- Levien, Andrea, 101
- Levin, Carl, 427–28
- liberal support for moving to popular vote, 829, 829t, 835t
- Libertarian candidates, votes for, 762, 762t, 763, 910, 913, 981–82
- Lighthouse Act, 556
- Lima Army Tank Plant, 66
- Lincoln, Abraham, 18t, 22–23, 23t
- litigation
- concerning constitutionality of NPV, 1034–35
- under NPV, 1028–31
- See also* post-election litigation
- Livingston, William, 166
- lobster tariffs and the European Union (EU), 76
- local election officials, myth that NPV would burden, 941
- Lodge-Gossett Amendment of 1950, 273, 275, 276, 287–88, 300
- House defeat of, 274, 304
- overview and nature of, 281–82
- See also* fractional-proportional (Lodge-Gossett) method of awarding electoral votes
- lottery compacts, 450
- Louisiana, top-two system in, 815–16
- Low-Level Radioactive Waste Policy Act of 1980, 450
- Lund, Pete, 384–85
- Lycoming County Pennsylvania's recount of 2020 ballots, 1059–60
- Madison, James
- opposition to WTA method, 1107–8
- Magleby, David B., 558
- Mahtenian, Charlie, 52
- Maine, 546
- 1992 election, 924–25
- 2016 election campaign events, 35
- 2016 presidential vote in 1st district, 208, 209t

- 2016 presidential vote in 2nd district, 208–9, 209t
- 2016 statewide vote for President, 207, 208t
- 2020 election campaign events, 30
- 2020 RCV ballot for President, 912, 912f
- 2021 law, 931–33
- adoption of district method
 - in 1820, 19
 - in 1969, 200, 207, 381
- Dept. of Transportation discretionary funds and, 76–77
- election laws, 194, 207–8, 216, 239, 255, 541, 546
- lobster tariffs, European Union (EU), and, 76
- Maine Supreme Judicial Court, 539–40, 546
- majority, tyranny of the. *See* tyranny of the majority
- “majority” vote, required
 - definitions of, 457n95
- marginal seats/swing seats. *See* swing areas/swing districts
- marketing and development compacts, 450
- Maryland, 92, 202
 - WTA method and, 169, 177, 197–98
- Massachusetts
 - in 1789, 168–69
 - in 1800, 186
 - changed its method of selecting electors in each
 - of first 10 elections, 192–93
- Massey, Jeanne, 916–17
- Mathias, Charles McCurdy, Jr., 428
- mayoral elections in Richmond, Virginia, 752–53
- McClendon v. Slater*, 548
- McPherson v. Blacker*, 189nn87–88, 200, 380, 538–41, 613, 615, 634, 635, 648, 715
 - 14th Amendment and, 664
- Brief of F.A. Baker for Plaintiffs in Error*, 166n6, 187–88, 636, 649, 662
- Bush v. Gore* and, 204n134, 206, 235, 500n7, 548–50, 600, 606, 613, 616, 637, 638, 661
- Chiafalo v. Washington* and, 637, 638, 644
- Maine Supreme Judicial Court and, 539–40
- overview and summary of, 204–5, 644
- State of Delaware v. State of New York* and, 205
- statements made in, 178, 204–5, 212, 217, 234–35, 538–41, 550, 599–600, 603, 606, 636, 637, 643, 648, 649, 665, 670, 677–78, 683, 843
 - on “folly” of dividing a state’s electoral votes, 183n68
 - on history of district method, 379
 - on methods used historically to appoint electors, 194–95
- media. *See* news stations
- media campaigns, presidential campaigns becoming, 788–89
- Medicare Part D legislation in 2003, 60–62
- member states (of NPV). *See specific topics*
- Merkley, Jeff, 436
- metropolitan markets, candidates focusing on, 790–93
- metropolitan policy compacts, 450–51
- metropolitan statistical area (MSA)
 - defined, 564
 - See also* big metropolitan areas
- Miceli’s Dairy Products of Cleveland, Ohio, 67–68
- Michigan
 - 2012 election campaign events, 40
 - 2013 congressional-district proposal in, 382–86
 - campaign events, 589–90
 - locations of, 590t
 - use of districts in 1892, 199–200
- Michigan Constitution, 518–19
- micropolitan statistical area, 565n9
- midterm elections of 2018
 - percent of population that voted in, 127, 128t
- midterm elections of 2022, 50, 51
- Midwest Interstate Passenger Rail Compact, 463
- Miles, Samuel
 - faithless electoral vote (1796), 180–81, 213, 245, 246t, 255–56
- military compacts, 451
- Miner Act, 380, 381
- Minnesota
 - 2004 certificate of vote, 241, 242f
 - 2004 presidential ballot, 235, 236f
 - 2012 election campaign events, 40
 - 2024 election and, 52–53
 - election laws, 231, 233–37, 239, 241, 259–60, 506
 - Electoral College meeting, 231, 232f
- minor-party candidates, 147
 - court precedents protecting ballot access for, 909–10
 - zeroed-out in small states under whole-number proportional method, 371–73
 - See also* third-party candidates
- Mississippi, 266–67
 - election laws, 259, 517n6
- Mississippi River Commission, 479–80
- Missouri Compromise of 1820, 727
- mob rule, national popular vote as, 774
- Monroe, James
 - Thomas Jefferson’s letter to, 183–85, 212, 316, 373–74, 402
 - See also* election of 1820
- Moore v. Harper*, 523
- Morley, Michael, 626, 844
- motor vehicle compacts, 451
- Motor Voter Registration laws as allowing non-citizen voting, 806–8
- Muller, Derek, 844, 988, 994n
- multi-electoral districts, popular election of electors using, 170
 - in Kentucky (1804–1824), 194
- Multistate Lottery Agreement, 472

Multistate Tax Commission. See U.S. Steel Corporation v. Multistate Tax Commission

Multistate Tax Compact, 452–53, 460, 470–71, 473

Mundt amendment, 377–78

Murdock v. City of Memphis, 464, 466

Musk, Elon, 297

Nader, Ralph, 266, 291, 293, 372, 512

NAFTA revisions and Wisconsin dairy farmers, 69–70

Napolitano v. Davidson, 541–42

National Bank of Commerce, 81

National Bonus Plan

accuracy in reflecting popular vote, 413

history, 412

making every vote equal, 414

making every voter in every state relevant, 414

overview and nature of, 271, 411–12

prospects of, 414

variations in, 414

National Conference of Commissioners on Uniform State Laws (NCCUSL), 258, 478–79

National Criminal Prevention and Privacy Compact Act, 455

national popular vote

1900–2020, 1089t, 1089–90

1988–2022, 1044, 1044t

abolition of popular voting as Achilles's heel of NPV, 1018–23

candidate's nationwide margin coming from just one state, 729, 729t

candidates will not focus only on national issues in, 693

current system does not accurately reflect (*see* close elections; wrong-winner elections)

elections in which winner lost the (*see* wrong-winner elections)

myth of unintended consequences of a, 1143–44

myth that 11 colluding big states are trying to impose, 730–32

myth that 11 states would control the outcome of, 717–19

myth that 31 states would lose power under, 709–10, 712

myth that a state's popular vote would matter only in event of tie in, 819–20

myth that California and New York would dominate, 719–28

myth that it is unpopular, 827–28

nationwide polls starting 1944, 831–32

Pew Research Center's multi-year nationwide poll, 828f, 828–29

state-level polls, 832–35

myth that NPV would result in presidents being elected with 15% of, 755–62

myth that small states oppose, 714–16

number of popular votes won by each party (2000–2020), 707t, 707–8

public opinion in small states supports, 716

will not simply make a different group of states irrelevant, 693–96

See also specific topics

National Popular Vote campaign, 641

origins of

myth that it was funded by left-wingers, 1119

myth that NPV originated with three law professors, 1119–25

national popular vote count

defined, 945

myth that there is no official, 943–48

NPV and, 945–46

See also vote count(s)

National Popular Vote Interstate Compact (NPV/NPVIC/Compact), 146, 162, 448, 457, 659

after it's used in one state, more states are likely to adopt it, 1082

Article I, 489

explanation of, 491

Article II, 489t, 497

explanation of, 491–92

Article III, 476–77, 482, 489–90t

1st clause (Determining Clause), 493–94, 496–99

2nd clause (Designating Clause), 498

3rd clause (Appointing Clause), 498–99

4th clause (Communication Clause), 499–500

5th clause (Conclusiveness Clause), 500–501

6th clause (national tie-breaking), 500–501

7th clause (back-up nominating procedure), 501–6

8th clause (Public Information Clause), 506–7

9th clause (Governing Clause), 507–10

(*see also* July 20 deadline (for NPV member states to possess majority of electoral votes))

explanation of, 492–94, 496–510

Article IV, 477, 490t, 507, 508

explanation of, 510–11

Article V, 477, 490t

explanation of, 511–12

Article VI, 455

Article VII, 469–70

can be considered by state legislatures without Supreme Court approval, 681

concern about a state's electoral votes being cast to candidate who did not carry a particular state, 1102

consistency with concept of “compound republic,” 658–59

current status, 513–14, 514f

and distribution of influence envisioned by Great Compromise, 618–21

- does not delegate a sovereign state power, 678–79
- electoral votes of member state going to candidate who did not win popular vote in state, 1096–1103
- enacted by 6 small states, 716
- enacting, 193, 459, 513 (*see also* citizen-initiative process; protest-referendum process)
 - role of Congress in, 560
 - role of state legislatures in, 515
- and encroaching upon federal sovereignty, 636–37
- and encroaching upon state sovereignty, 638
- governs election only if active in states with majority of electoral votes on July 20 (*see* July 20 deadline)
- as impermissibly delegating a state's sovereign power, 674–79
- and limits on what state legislatures can do with their electoral votes, 641–44
- member states, 489–90t, 491–93, 506–7, 511
 - defined, 491
- myth about states gaming the, 1108–11
- myth that it provides no way to resolve disputes, 948–51
- myth that it would be costly to operate, 942
- myth that single state or state official could thwart, 984–1023
- myths about durability of, 1073–84
- myths about operation of, 812–22
- opportunity of voters from states outside NPV to influence selection of President, 818–19
- overview, 489
- purpose, 489
- ramifications, 1–3, 159, 299
- section-by-section explanation of, 489–512
- text, 489–90t
- would not abolish Electoral College, 611–12
 - See also* constitutionality of NPV
- national popular vote winner
 - designating the, 489–90t, 493, 498–500, 502
 - guaranteeing presidency to the, 272, 272t
 - See also specific topics*
- nationwide popular vote. *See* national popular vote
- nationwide presidential campaign
 - how it would be different, 562–65
 - how it would likely be run, 562–63, 591–94
 - sample, 591–92, 594
 - number of campaign events in, 591–92, 592f, 592t, 593t, 594
 - Voter Choice Ballot would not create a meaningful, 1136–38
- Native Americans. *See* Indian gaming compacts
- natural resources compacts, 451
- near-miss elections, 16–18, 17n31, 18, 18t, 107f. *See also* close elections; *specific elections*
- Nebraska
 - 2016 election campaign events, 35
 - 2020 election campaign events, 30
 - adoption of district method (1991), 200
 - See also* under appointment of presidential electors
- Nemanich, Robert, 253–54
- Nevada campaign events, 586
 - locations of, 584, 586f, 586t, 587t
- New Hampshire, 169, 222, 223
 - in 1800, 187
 - 2024 election and, 52
 - campaign events, 584
 - locations of, 584, 584t, 585f, 585t
- New Hampshire bill (HB370), 389
- New Hampshire primary caucus, myth that NPV would eliminate, 812–13
- New Jersey, appointment of electors by governor and council in 1789, 166
- New York, 205
 - in 1800, 187–89
 - 2004 Certificate of Ascertainment, 265f, 265–66, 506
 - 2004 presidential ballot, 264f, 265
 - 2016 Clinton vote from, 724, 725t
 - ability to accurately count its votes, 960–64
 - and California would not dominate a popular vote, 719–28
- New York City, television ads in, 791t, 791–92
- New York–New Jersey Waterfront Commission Compact, 473–75
- news stations, presidential interviews with local, 90, 92
- Nineteenth Amendment, 1148
- Nixon, Richard M., 18t, 21, 99, 100t, 250, 419–20, 422
- No Child Left Behind Act, federal exemptions from, 72
- No Labels, 150
- nominating convention, candidates denied ballot access due to date of, 910–11
- non-citizen voting
 - myth that a state could pass a law allowing, 805–6
 - myth that Motor Voter Registration laws allow, 806–8
 - myth that only citizens impact electoral vote allocation, 808–10
- Norris, George, 480
- North Carolina
 - campaign events, 588
 - locations of, 588, 589t
 - faithful elector law, 257–58
 - vote in 17 coastal counties (2008), 786–87, 787t
- North Dakota secret-elections bill
 - analysis of, 1016t, 1016–18
 - would have failed to conceal the state's popular-vote count, 1015–18

Northern Forest Lands Council Act, 454–55
 northern-sunbelt combination (contingent elections), 154–55
 nuclear waste, 71

Obama, Barack

automobile industry bailout, 64–65
 failed attempt to keep him off Kansas ballot, 911
 location of his campaign offices, 40, 41t
 on Small Business Administration loan, 67–68
 travels in 2009, 84
 travels in 2011, 85t, 87t, 88t
 travels in first six months of 2012, 84, 90, 91t, 92
 preference for Virginia over Maryland, 92
See also election of 2008; election of 2012
 off-shore oil drilling in Florida, ban on, 70–71

Ohio

2013 congressional-district proposal in, 382–84
 campaign events, 569–70
 locations of, 570, 571t–75t, 572f, 572–74, 573f
 Ohio Constitution, 519, 528
Ohio ex rel. Davis v. Hildebrant, State of, 523, 531–33

Ohio Supreme Court, 528–29, 532

oil drilling, ban on off-shore, 70–71

Oklahoma

popular-vote count certified in 2020, 494, 495f, 496, 496f

“one-person-seven-votes” scheme, England and Parnell’s, 995–96

ways a Governor could attempt, 997
 case 1: Governor is forthright and honest, 997–1001
 case 2: Governor is not forthright, 1001–2
 would not disrupt operation of NPV, 996–97
 would not thwart NPV, 997

one-state-one-vote. *See* contingent elections

Oregon postmaster and disputed 1876 election, 504–5

Oregon v. Mitchell, 448

“out of order,” electoral votes declared, 255, 257
 out-of-state presidential electors, myth that NPV could result in, 1103–5

parents. *See* child-voting proposal

parks and recreation compacts, 451

Parnell, Sean, 693, 916, 917, 924–28, 931–34, 936, 937, 943, 945, 949, 952, 955–61, 963–66, 970–73, 975, 989, 990, 1003, 1005, 1029–31, 1051, 1065, 1109. *See also* “one-person-seven-votes” scheme; and “secret elections” scheme.

partisan advantage

created by inclusion of non-citizens in census, 296–99
 in Electoral College
 myths about, 1085–94, 1096

Republican Party given systemic advantage
 by small states, 705–9

party block voting. *See* general ticket system

Pasley, Jeffrey L., 177

Pence, Mike, 36

2021 Electoral College vote count and, 227, 228
 fire-engine visit to Utah, 35
 home-state campaigning, 32, 36
 last-minute visits, 35

Pennsylvania

in 1800, 189
 2011 congressional-district proposal in, 381–82
 2012 election campaign (events) in, 40, 746, 747t
 2012–2013 debate in, 312–16, 314t
 2013 congressional-district proposal in, 382–84
 2016 election and
 Pennsylvania 2016 outcome, 744, 746t
 Pennsylvania’s 54 events in 2016, 744, 745f, 745t
 campaign events, 587
 locations of, 587, 587t, 588t, 744, 745t, 747t
 illogic of York’s concern about densely populated urban centers, 746
 Lycoming County’s recount of 2020 ballots, 1059–60

Perot, Ross, 145–47

“persons” counted in census, 297–98. *See also* census

Petty v. Tennessee-Missouri Bridge Commission, 465

photo opportunities (photo ops), fluctuating role of Maryland and Virginia for staging presidential, 92

Pileggi, Dominic F.

2012 proportional proposal, 313, 315, 316, 382
 division of Pennsylvania’s electoral votes under, 313, 314t
 political effect in 6 states Obama carried, 313, 314t

Pinckney, Thomas, 182, 190, 191

plurality-vote popular elections for state chief executive, evidence from, 756–57

plutocrats cynically manipulating voter passions under NPV, 788

political advocacy groups, interstate compacts drafted by, 456–57

political engagement and support for Electoral College vs. popular vote, 829, 830f, 831f

political parties

link between state governments and, 234
 nominating vice-presidential and presidential candidates, 212

See also two-party system

Polk, James K., 24

polls/polling, 25–26

summer

cannot predict inversions, 1078–80, 1080t

- mid-August national polling averages (1976–2020), 1079, 1080t
- supporting VCB was not constructed to accurately measure voter sentiment, 1141–42
- taken days before election fail to foresee inversions, 1075–78, 1076t
- Polly Baca and Robert Nemanich v. Hickenlooper*, 253–54
- Ponnuru, Ramesh, 63–64, 70
- popular passions
 - cynically manipulating by plutocrats under NPV, 788
 - Electoral College as buffer against, 775–76
- popular vote nationwide. *See* national popular vote
- population changes after census, inequality in value of votes due to, 125–26, 273, 295, 369, 396, 410
- Port Authority of New York and New Jersey
 - silence about need for congressional consent, 837
 - sovereign powers of states, 675–76
- Port Authority of New York and New Jersey Compact, 445, 475–76
- Posner, Richard A., 551
- post-election controversies, 2, 119
 - causes of, 103–7
 - See also* election disputes; election of 1824
- post-election litigation, 113
 - shifting the choice of President from voters to lawyers/politicians/courts, 117–19
 - See also* litigation
- pre-election challenges to initiatives, 558–59
- prescription drugs for older Americans, 60–61
- presidential elector certifying official, 489t, 490t, 498, 501, 502, 510
 - defined, 490t, 498–99, 511
- presidential-elect districts, popular election of electors from, 167
- presidential electors
 - absent due to health or travel difficulties, 244, 245
 - certificates of votes for President and Vice-President, 1152
 - demand on district judge for, 1153
 - demand on state for, 1153
 - not reaching President of Senate or Archivist, 1153
 - transmission of, 1152–53
- changing role of candidates and, 210
- defined, 490t
- difficulty coercing them to vote for national popular vote winner, 795–97
- link between voter's vote for President and, 235–37
- manner of voting, 1152
- meeting and vote of, 1152
- myth that NPV could result in out-of-state, 1103–5
- nomination, 233–34
- NPV as unconstitutionally usurping the decision-making power of, 799–800
- NPV's back-up provision for filling vacancies among, 666–68
- number of, 217–18, 1150
- number of votes needed to win an electoral vote, 369–71, 396
- popular election of (popular voting for)
 - implementation of, 211
 - number of states using, 196, 196t
 - percentage of popular vote needed in, 169, 170, 222–24
 - spread of, 194–97
 - on a statewide WTA basis, 169–70
- purpose of presidential election is to choose President—not electors, 1098–99
- state laws for electing, 234–37
- succumbing to outside pressure and abandoning national popular vote winner, 797–99
- unpledged, 266–67
- voting for individual, 259
- voting for President vs. voting for, 158–60, 161t, 162
- See also* appointment of presidential electors; Electoral College; *specific topics*
- presidential nominee, death of, 244
- deviating votes cast after, 244, 247
- presidential power and mandate, myths about exaggerated lead produced by Electoral College enhances incoming President's ability to lead., 800–802
- popular vote would dangerously increase or hobble President's powers, 800
- presidential short ballot. *See* short presidential ballot
- presidential slate
 - defined, 490t, 492, 511–12
 - NPV and, 489t, 490t, 492–94, 497–502, 506, 511–12
- primary system, multi-party, 815–16
- Privileges and Immunities Clause, 660–62
- Progressive Party, 203
- proliferation of candidates, myth that NPV would result in, 755–62
- property qualifications for voting, abolition of, 607–8
- proportional proposal (2012). *See under* Pileggi, Dominic
- protest-referendum process, 459
 - citizen-initiative process and, 517–19, 521
 - interstate compacts and, 519–21
 - NPV and, 459, 517–21, 546, 548
- provisional ballots, 977–78
 - myth that they are not counted in California when they don't affect presidential race, 976–77

- provisional ballots (*continued*)
 - myth that they would be a problem under NPV, 977–81
- public opinion
 - about WTA system, 1099–1100
 - does not support attempts to keep candidates off ballots, 911
 - in small states supports national popular vote, 716
 - See also* popular passions; voters
- Puerto Ricans, Hurricane Maria and, 78
- purple states, 72. *See also* battleground states/ swing states
- radioactive waste compacts, low-level, 450
- rail corridors, 68–69
- range voting, compatible with NPV, 935–36
- ranked-choice voting. *See* RCV
- Ratcliffe, Donald, 142
- Ray v. Blair*, 243–44
- RCV (ranked-choice voting), 291, 293, 302, 309, 440
 - compatibility with national popular vote, 911–21
 - description of, 912–13
 - fractional-proportional method, spoiler effect, and, 300, 302
 - history and constitutionality, 913–16
 - incorporating RCV in a constitutional amendment, 308–9
 - myths about, 911–33
 - NPV and
 - drafting of NPV and accommodating RCV, 930
 - false claims of incompatibility of, 916–18
 - Maine's 2021 law and, 931–33
 - myth that NPV does not let RCV states control how NPV states count their votes, 921–26
 - political context and, 916
 - proposed state laws
 - RCV-for-President ballot propositions that voters may enact in November 2024, 920–21
 - RCV proposals on November 2024 ballot do not apply to other elections, 921
- RCV-for-President laws, 911–12, 917–19
 - any ambiguity about how to interpret them will be decided before election based on NPV, 922–24
 - myth that huge numbers of votes are in jeopardy because of, 928–30
- recount laws, NPV could provide impetus for updating, 1073
- recount(s), election, 115–16, 118
 - annual number of statewide, 1037, 1038t
 - change in initial winner's votes in, 1038, 1039t, 1040, 1048–49, 1049t
 - current system acts as firewall that isolates recounts to particular states, 1061–64
 - facts about, 1036–38, 1040
 - frequency under a popular vote, 1035–38, 1040–49
 - how to guarantee recount in every state, 1069–73
 - logistics of a nationwide, 1060
 - myth that it would be logistical impossibility, 1056–60
 - myths about, 1035–73
 - number of votes likely to be changed by nationwide, 1041–43, 1042f, 1044f
 - possibility of conducting recount in every state, 1050–56
 - probability that nationwide recount would change the election outcome, 1045–49, 1046t, 1049t
 - rate of processing ballots in, 1060
 - resolution of election prolonged beyond inauguration day because of, 1068–69
 - secret-elections bill's secrecy provision would be suspended if candidate initiated, 1012
 - statistics of, 1039t, 1041–43
- red states and blue states. *See* spectator states/ safe states/ignored states
- Reeves, Andrew, 57–58, 64
- Referendum: The People Decide Public Policy, The* (Zimmerman), 459, 518
- refusal of office, 1157
- regional candidates
 - myth that current election system prevents election of candidate with support in one region while being opposed elsewhere, 768–70
 - proliferating under national popular vote, 766–68
- regionalism, Electoral College as check against, 770–73
- regulatory compacts, 451–52, 476
- replacing dead/disabled/discredited presidential candidates, myth about, 822–24
- representatives, U.S.
 - election of, 524t, 530–37
- “republican form of government”
 - popular election of chief executive as compatible with, 657
 - U.S. has a, 652–56
 - See also* compound republic
- Republican Party
 - given systemic advantage in Electoral College by small states, 705–9
 - myth that it would find it hard to win popular vote, 1088–90
 - origin of the myth that small states are Republican, 708–9
 - See also specific topics*
- Republican presidential nominee, 706, 1131. *See also* partisan advantage

- Republican support for Electoral College and opposition to popular vote, 828, 829, 829t, 830f, 833, 834t, 835t
- resignation of office, 1157
- Richie, Robert ("Rob"), 101, 918, 930–33
- Richmond, Virginia mayoral electoral college system, 752
- Ridgeway, Marian E., 456
- river basin compacts, 452
- Rodriguez et al. v. Brown*, 206–7
- rogue Governor, 946
 - claiming prerogative to ignore state's law for awarding electoral votes, 986–88
 - refusing to issue Certificate of Ascertainment NPV vs. current system in regard to, 991–92
 - would not thwart NPV, 988–92
- rogue Secretary of State changing state's method of awarding electoral votes between Election Day and Electoral College meeting, 992–94
- rogue states, 896, 901
- Romney, Mitt, 14, 25, 39, 39t, 55–56
 - campaign events, 37t, 38, 40
 - location of campaign offices, 40, 41t
 - See also* election of 2012
- Roosevelt, Franklin D., 485–87
- Roosevelt, Theodore, 781
- Ross, Tara, 626, 627, 630, 633, 636–637, 638, 644–648, 669–671, 671–674, 679–680, 680–681, 686–688, 689, 690, 692, 697, 730–732, 747, 750, 753, 755, 765, 767, 824, 845–849, 873–877, 981–983, 983–984, 1001–1018, 1035, 1050, 1062–1064, 1073, 1074, 1104, 1106, 1118
 - See also* "secret elections" scheme.
- Rove, Karl, 60, 61, 80
- run-off elections, 1116
 - practical considerations concerning, 754–55
- run-off system, NPV's absence of a, 753–55
- rural America
 - is one-fifth of the U.S. population, 737, 740
 - myth that rural states would lose influence under national popular vote, 747–48, 750
- rural population by state, 748, 749t
- Ryan, Paul, 40
- Sainte-Laguë method. *See* Webster method/Sainte-Laguë method
- Saltman, Roy, 117
- Samples, John, 605–610, 639, 641, 644, 683, 694, 751, 790, 860, 878–903
- Save Our States, 916, 917, 924
- Score, Then Automatic Runoff. *See* STAR voting
- second-place elections. *See* wrong-winner elections
- secret election returns
 - keeping vote counts secret until after Electoral College meets, 1002–18
 - myth that it could thwart NPV, 1002–18
- secret-elections bills
 - contain no penalty for the crime of revealing vote counts, 1013
 - fail to muzzle presidential candidates, 1014
 - have no plan for running half-public-half-secret system of voting and counting, 1013
 - how they violate federal law, 1002–10
 - secrecy provision would be suspended if candidate initiated recount or contest, 1012–13
 - secret court proceedings would be required for them to work, 1014
 - would deny voters right to have their vote count, 1011
 - would never become operational, 1012
 - would not keep a state's vote count secret, 1010–11
 - See also* North Dakota secret-elections bill
- secret vote counts
 - inadvertent errors or fraud could remain undiscovered until after electoral votes were cast in Electoral College, 1015
 - would conflict with provisions of state constitutions, 1015
- Secretary of State changing state's method of awarding electoral votes between Election Day and Electoral College meeting, 992–94
- Senate, U.S.
 - choosing Vice President (*see* contingent elections: for Vice President)
 - election of senators, 524t, 526, 530–37
 - direct, 609
 - filling a vacancy in, 524t, 526
 - choosing the manner of conducting popular election for, 525t, 552–53, 555
 - empowering Governor to fill vacancy until election is held, 525t, 555–56
 - NPV as threatening equal representation of states in, 716–17
- Senate Subcommittee on Constitutional Amendments, lxi
- senatorial electoral votes, inequality because of, 120–21, 122t, 273, 294, 368, 393
- senatorial electors
 - appointed by legislature, 171
 - eliminating, 271, 403–4
 - constitutional amendment for, 404, 411
 - history of suggestions for, 404
 - would not create system reflecting popular vote, 404–5, 406t, 407–9
 - would not make every vote equal, 410–11
 - would not make every voter relevant, 409–10
 - popular election from congressional districts and statewide popular election for, 171
- service compacts, 452

- seventeen-year-olds, 811
 - myth of political rush by states to give them vote under NPV, 810–12
- Seventeenth Amendment. *See under* “legislature”; state legislature
- severability (of provisions of ECRA), 1157
- Shapiro, Josh, 80–81
- Shaw, Daron R., 46
- Sherman's Compromise. *See* Great Compromise of 1787
- short presidential ballot, 201, 204f
 - abolition of, as Achilles's heel of NPV, 1018–23
 - emergence, 201–3
 - implementation, 213
- Simon, Steve, 146
- single transferable vote, 912n626. *See also* RCV
- slavery
 - myth that Electoral College prevented election of pro-slavery candidate, 1113–14
 - myth that there would have been no Emancipation Proclamation without Electoral College, 1112f, 1112–13
- slowness in releasing unofficial vote counts, 926, 927
 - myth that it is inherent in RCV and other alternative voting systems, 926–27
- Small Business Administration loan, 67–68
- small states
 - with 3 electoral votes, 698
 - presidential campaigns in, 698, 698t
 - with 3 or 4 electoral votes
 - 2008–2020, 700–702, 701t
 - in 2024 and 2028, 708, 708t
 - 8 smallest states
 - compared with battleground state of Wisconsin, 699, 699f
 - thought experiment involving the, 700
 - 25 smallest states (3–7 electoral votes), 703–5, 704t
 - as having increased clout under current system, 696–705
 - lawsuit challenging WTA rule, 714–16
 - myth that they oppose national popular vote, 714–16
 - myth that they will not attract attention under any system, 712–14
 - number won by each party (1992–2020), 706, 707t
 - origin of the myth that they are Republican, 708–9
 - political clout of small states is not based on Electoral College, 705
 - popular vote in 13 smallest states (2000–2020), 707, 707t
 - presidential voting by 13 smallest states (1992–2020), 706, 707t
 - public opinion as supporting national popular vote in, 716
 - statewide winner of 14 smallest states (2004–2020), 307–8, 308t
 - that have enacted NPV, 716
 - thought experiment involving 12 smallest non-battleground states, 702–3
- Smiley v. Holm*, 523, 530–31
- “solid south,” 276
- South Carolina, 224
- Southwestern Low-Level Radioactive Waste Disposal Compact, 471
- spectator states/safe states/ignored states, 1, 127
 - becoming battleground states, 689–91
 - blue vs. red, 54
 - myth that they made up their minds earlier, 691–92
 - portion of U.S. population in, 54
 - voter turnout is higher in battleground states than in, 3, 129–44
- See also under* campaigning
- spoiler campaigns/spoiler candidates, myth that the current system quarantines, 762–64
- Stanwood, Edward, 180, 199
- STAR (Score, Then Automatic Runoff), 933
- STAR voting, 934
 - compatibility with NPV, 933–35
 - sample STAR ballot, 933f
- state constitutions
 - provisions enable minority party to frustrate a politically motivated last-minute change in state law, 1080–82
 - restraints on repealing or amendment initiatives, 559–60, 560t
 - See also specific constitutions*
- state election officials, myth that NPV would burden, 941–42
- state governments and political parties, link between, 234
- state identity
 - myth about, 1096–1105
 - would remain known under NPV, 1102
- state laws
 - effective dates for new, 898, 899t
 - myth that they must change for states' votes to be included in national popular vote count, 975
 - for nominating electors, 233–34
 - NPV as conflicting with, 821–22
 - WTA system was established by, 610–11
- state legislative procedures
 - enable minority party to frustrate a politically motivated last-minute change in state law, 1080–82
 - See also specific procedures*
- state legislature (L)
 - constitutional provisions referring to powers of, 521–27, 524–25t, 529–32, 535–39, 541–43, 546, 548, 551, 553, 554t, 555–58

- electors appointed by, 167
 - Constitutional Convention and, 616
 - NPV and, 970–72
- limits on what legislatures can do with their electoral votes, 641–44
- may consider NPV without Supreme Court approval, 681
- myth that it could throw an election by withdrawing from NPV after Election Day, 878–98, 900–903
- See also* “legislature”
- state-level manipulation, current WTA system is more susceptible (than national popular vote) to, 1110
- State of Delaware v. State of New York*, 205, 625, 714, 715, 851
- state-of-origin, 501
- statehood. *See under* District of Columbia states
- consenting to formation of new states from territory of existing, 557
- each have unique political, economic, and cultural character, 687–88
- ignored in general-election campaign (*see under* campaigning)
- myth that differences in state election procedures prevent determination of national popular vote winner, 965–66
- myth that they could inflate vote count by reporting cumulative number of votes cast for its electors, 994–1002
- myths about proposals enacted by a single state or only a few, 557
- myths that candidates reach out to all, 685–96
- presidential candidates not forced to reach out to all, 685–87
- See also specific topics*
- state’s sovereign power(s)
 - may be delegated by interstate compact, 675–78
 - NPV as impermissibly delegating a, 674–79
- statewide general elections
 - number of, 1037t
 - types of, 1037t
 - See also specific topics*
- statewide popular election, 171, 498, 512
 - defined, 490t, 491, 498, 512, 1036n917
- steel quotas (2002), 62–64
- Steinhorn, Leonard, 298
- Stewart, Potter, 448
- stolen votes
 - difficulty predicting where they will matter, 824–25
 - See also* fraud
- straight-ticket voting/straight-party voting, 202n128, 546
- Sunbelt states, 154
 - population growth in, and Republican advantage in Electoral College, 1085–87
- Superfund enforcement actions, 72
- Supreme Court, U.S.
 - does not have to pre-approve NPV for state legislatures to consider it, 681
- sustainable energy. *See* clean energy tax credits
- swing areas/swing districts, 111, 112
- swing state bias, 59
- swing states. *See* battleground states/swing states
- Tancredo, Tom, 62
- tank contract in Lima, Ohio, 66
- tariffs, 64
 - in 2017–2020, 70
 - Donald Trump and, 70, 76
 - lobster, 76
 - steel, 62, 63
- tax compacts, 452–53
- tax returns, California’s 2019 attempt to make ballot access dependent on candidate’s disclosure of, 904–8
- Taylor, Zachary, 18t, 24
- television advertising, 39n75
 - candidates focusing on metropolitan markets because of lower costs of, 790–93
- Tennessee, 172
 - 1807 changes in elector districts, 193
 - “baby electoral colleges” (BECs), 172, 177, 193
- Tennessee Valley Authority (TVA), 480
- Tenth Amendment, 446, 1146
 - and Clarence Thomas’ concurring opinion in *Chiafalo v. Washington*, 650–52
- term limits. *See U.S. Term Limits, Inc. v. Thornton*
- Texas, Republican presidential vote (2004–2020) in, 1087, 1087f
- Texas Low-Level Radioactive Waste Disposal Compact, 460, 472, 520
- third-party candidates, 145. *See also* minor-party candidates
- Thomas, Clarence
 - 10th Amendment argument in *Chiafalo v. Washington*, 650–52
- three-judge federal court (available to candidates), 946–48, 951, 960, 964, 987–88, 991, 1002, 1027, 1038, 1066–67, 1073
 - Electoral Count Reform Act and, 946–48, 951, 960, 964, 987–88, 991, 1002, 1027, 1038, 1066–67, 1073
 - enforcing timely issuance and transmission of Certificates of Ascertainment, 1010–11
- 3/2 rule, 621
- ticket (pair of candidates)
 - Republican Party, 260, 261f, 262, 263f
 - See also* general ticket system

- tickets (ballots), 168, 170, 260
- tie votes
 - in Electoral College, 145, 151–56, 155f
 - in national popular vote, 239
 - national tie-breaking, 501
 - in state delegation, 158
- Tilden, Samuel J., 9–10
- Tollison, Robert D., 82
- top-two system in Louisiana, Washington, and California, 815–16
- trade policy, 79–80
- Transportation, Department of
 - discretionary funds, 76–77
- travel patterns of a President seeking re-election, 90, 92
 - cabinet travel, 90
 - travel in first six months of a re-election year, 88, 89t, 90
 - travel in president's first year, 84
 - travel in year before re-election, 84–86, 85t, 87t, 88t
- Tri-State Sanitation Compact, 452
- Trouble Asset Relief Program (TARP), 65
- Truman, Harry S., 18t, 22
- Trump, Donald
 - 2021 Electoral College vote count and, 226–28
 - California tax return law unconstitutional, 904–908
 - Colorado and Insurrection Clause, 908–909
 - Dept. of Transportation discretionary funds and, 77
 - and early 2024 campaign, 79–80
 - frigate contract in Wisconsin and, 65
 - Great Lakes Restoration Initiative and, 72
 - Griffin v. Padilla*, 904–908
 - Interstate 11 and, 69
 - lobster tariffs and, 76
 - off-shore oil drilling and, 70, 71
 - and tank contract in Lima, Ohio, 66
 - travels in first six months of 2020, 88, 89t
 - Trump v. Anderson*, 908–909
 - See also* election of 2016; election of 2020; election of 2024
- Twelfth Amendment, 190–92, 228, 1146–47
 - NPV's constitutionality and, 659–60
 - overview and nature of, 11, 190–92, 218, 243, 280, 437
 - text of, 218, 228, 232, 242–43, 280
- Twentieth Amendment, 149, 511, 1148
- Twenty-fourth Amendment, 1149
- Twenty-second Amendment, 551–52, 1148
- Twenty-seventh Amendment, 437
- Twenty-sixth Amendment, 1149
- Twenty-third Amendment, 404, 437, 510, 1149
- two-party system does not owe its existence to
 - Electoral College or WTA method, 761
- two-round system. *See* run-off system
- two-state interstate compact, thought experiment involving a, 1102–3
- tyranny of the majority
 - constitutional protections against, 780–81
 - current system as preventing, 778–81
- Uniform Faithful Presidential Electors Act, 254, 258
- Uniform Law Commission. *See* National Conference of Commissioners on Uniform State Laws
- uniform state laws
 - defined, 478
 - vs. interstate compacts, 478–79
- unit rule. *See* winner-take-all (WTA) system
- unpledged presidential electors, 266–67
- U.S. Steel Corporation v. Multistate Tax Commission*, 841–43
 - dissenting opinion on impact on non-member states, 847–51
- U.S. Term Limits, Inc. v. Thornton*, 650–52, 668–71, 906
- Vance, JD, 50
- Vermont
 - 2008 Certificate of Ascertainment, 239, 240f
 - electors appointed by “Grand Committee” (Governor, Council, and House) in, 171
 - postmaster and disputed 1876 election, 505
 - presidential ballots, 203
 - 1964 ballot, 203, 204f
- veto-referendum process. *See* protest-referendum process
- Vice President (VP)
 - 1789 choice of, 174
 - states where electors scattered their votes, 174, 175t
 - states where electors voted in lockstep, 175t
 - contingent elections for, 23, 147–49, 152
 - deviating votes for
 - in 19th-century, 244–45, 247–49
 - in 1912, 244–45, 247–49
 - See also specific topics*
- vice-presidential nominee, death of, 244, 247
 - deviating votes cast after, 247–49
- vice-presidential running mates, presidential candidate running with multiple, 967–69
- Vindication of the General Ticket Law, A, 184–86, 1158–62
- Virginia, 92
 - in 1800, 181–86
 - 2013 congressional-district proposal in, 382–84, 386
 - 2020 election campaign events, 31
 - campaign events, 576
 - locations of, 576, 578f, 578t, 579t
 - as jilted battleground, 31, 98

- WTA law (*see* Vindication of the General Ticket Law)
- Virginia v. Tennessee*, 442, 451, 483, 484, 560, 839–41
- Virginia–Kentucky Interstate Compact of 1789, 483–84
- viva voce* voting, 168, 262
- vote counting
- counting electoral votes in Congress, 242–43
 - myths about, 943–84
- vote count(s), presidential
- certification by the states, 237 (*see also* Certification of Ascertainment)
 - process of declaring winning electors, 237, 239
 - ties in popular vote, 239
- federal court ensuring timely issuance and transmission of each state's, 946–47
- federal law requires each state to issue certificate containing its, 944–45
- myth that NPV allows vote totals to be estimated, 964–65
- myth that NPV lets member states judge election returns from other states, 951–54
- myth that NPV makes member states accept other states' election returns, 954–56
- myth that officials in member states may refuse to count votes from other states, 969–70
- myth that state laws must change for states' votes to be included in, 975
- relying on states to produce accurate, 957–60
- slowness in releasing unofficial, 926–27
- See also* January 6, 2021; national popular vote count
- Voter Choice Ballot (VCB), 1127f
- battleground state's enacting VCB would exchange its high level of attention for less than its population warrants, 1138–39
 - description of, 1125–28, 1127f
 - most efficient way to win electoral votes under VCB is focusing on popular votes in battleground states, 1135–36
 - myth that the benefits of national popular vote can be achieved if only a few states adopt, 1125–28, 1130–42
 - percentage of voters needed to switch state's electoral votes under VCB in 2020, 1128, 1129t
 - polling supporting VCB was not constructed to accurately measure voter sentiment, 1141–42
- versions of
- difficulty enacting paired state version, 1130–34
 - enacting single-state version in partisan state would be politically preposterous, 1130–31
 - have different characteristics, 1128, 1130
 - would fizzle election where one candidate aims only at winning Electoral College, 1134–35
 - would not come close to guaranteeing presidency to popular vote winner, 1140
 - would not come close to making every vote equal, 1139–40
 - would not create a meaningful nationwide campaign, 1136–38
- voter participation. *See* voter turnout
- voter passions. *See* popular passions
- voter turnout, 127t
- in battleground vs. spectator states, 3, 129–44
 - inequality due to differences in, 127, 273, 295, 368, 394–95, 395t, 396, 410
 - studies of, 144
 - weather and, 116
- voters
- care more about who wins the presidency than who carried their state, 1098
 - disenfranchised by current system, not NPV, 1097–98
 - dismayed if their state's electoral votes go to candidate who did not carry their state, 1100–1101
 - do not favor current state-by-state WTA method, 1099–1100
 - ignored in general-election campaign (*see under* campaigning)
 - shocked when national popular vote winner becomes President, 1101–2
- votes all counted equally. *See* every vote equal
- voting age, 609
- voting rights
- abolition of property, wealth, and income qualifications for voting, 607–8
 - no constitutional right for voting for President, 234–35
 - right to vote for President and Vice President, 491–92
 - state statutes permitting people to vote for President, 605–7
 - See also* non-citizen voting
- Voting Rights Act
- myth that NPV violates, 1114–17
 - section 2, 1116
 - section 5, 1116
- Walker, Scott, 25, 387, 561, 562
- Washington, George, 174, 176, 177
- Washington Metropolitan Area Transit Authority (WMATA), 448
- Washington State, 233
- faithless elector problem in, 209–10, 233, 234, 256–57
 - nomination of elector candidates and, 233–34
 - top-two system in, 815–16

- Washington State Supreme Court, 209, 256, 257
- Watts, John W., 504
- wealth qualifications for voting, abolition of, 607–8
- weather, effects of bad, 785–88. *See also under* election of 2000
- Weaver, Thomas E., 404
- Webster method/Sainte-Laguë method, 125
- West, Darrell, 112
- West, Paul, 92
- “White Supremacy--For the right” (Alabama Democratic Party slogan), 267
- Whitmer, Gretchen, 81
- whole-number proportional method (WNP) of awarding electoral votes
- history of, 312
 - 2004 Colorado Amendment 36, 316–17
 - debate in Pennsylvania (2012–2013), 312–16, 314t (*see also* Pileggi, Dominic)
 - political effect in 6 states Obama carried in 2012, 314–15, 315t
 - minor-party candidates and, 371–73
 - overview and nature of, 271, 310–12
 - electoral votes awarded in whole-number increments, 310, 311
 - probability that a state is a battleground state under, 366, 367t, 368
 - prospects for adoption of, 373–75
 - would not make every vote equal, 368–71
 - would not make every voter relevant, 350, 351t, 352
 - states with 3 electoral votes, 352t, 352–56, 353f, 354f, 355t
 - would not reflect nationwide popular vote, 317–18
- See also under specific elections*
- Williams, Norman, 622–624, 635, 813–816, 860–868, 892–896, 1014, 1018–1023
- Williams, Walter E., 697
- Williams v. Rhodes*, 206, 642, 652, 894–95, 906–7
- Williams v. Virginia State Board of Elections*, 205–6, 209, 624–27, 851, 1032
- Wilson, Woodrow, 18t, 22
- winner-take-all (WTA) system, 634–36
- 1968 challenge to, 1032
 - 2018 challenge to, 1032–33
 - implementation, 211–12
 - number of states using WTA (1789–1836), 198t
 - problems with, 1–2
 - small random factors often decide elections in, 113–17
 - spread of, 197–200
 - See also* general ticket system; *specific topics*
- winning margins, statistics about, 1044, 1044t, 1045f
- Wisconsin
- 2013 congressional-district proposal in, 382–84, 387
 - 2016 statewide recount, 1059
 - 2020 recount of 2 large counties, 1059
 - campaign events, 583–84
 - locations of, 583f, 583t, 583–84, 584t
 - dairy farmers, 69–70
 - infrastructure projects, 78
- withdrawal from interstate compacts, 470–75
- NPV as requiring congressional consent
 - because of its withdrawal procedure, 856–59
- women’s suffrage, 608–9
- World Series, myth that we can learn how to run elections from, 1117–19
- write-in votes for President, 259–60
- wrong-winner elections (inversions), 1, 4, 12f, 107f, 780
- 1911 choice of size for House of Representatives and, 113–14, 125
 - arguments about whether 1960 was an inversion, 974–75
 - and the current era of close elections, 12–15, 13t
 - polls in summer cannot predict, 1078–80, 1080t
 - polls just before election fail to foresee, 1075–78, 1076t
 - probability of, 15–16
 - See also specific elections*
- WTA system. *See* winner-take-all (WTA) system
- Wyoming, 120–21
- advantage of voters in, 304, 305f
- York, John W., 563, 743
- York, Pennsylvania. *See under* Pennsylvania
- Yucca Mountain nuclear waste repository, 71
- Zimmerman, Joseph F., 459, 466–67, 476, 517, 518