

# Arizona vs. the electoral college

By: [Ben Giles](#) January 22, 2016



A supermajority of the Arizona Senate and House of Representatives supports an effort to change how the country votes for its commander in chief. Forty-one representatives and 20 senators – two-thirds of the legislators in each chamber – signed on as sponsors of bills pushed by National Popular Vote, an organization trying to convince state legislatures to change how they allocate their votes cast in the Electoral College.

The math is simple enough.

It takes 270 Electoral College votes to win a presidential election.

Forty-eight states and the District of Columbia currently use a winner-take-all approach — of the ballots cast within each state — to allocate their electoral votes. It's up to each state to determine how those electoral votes are allocated.

National Popular Vote is pushing for states to use a winner-take-all approach on a national scale.

So if states with a total of at least 270 electoral votes approve that change – switching from a majority of the vote within individual states to a majority of votes nationally – the next presidential race would be winner-take-all, determined by a national tally.

“It guarantees that whichever presidential candidate receives the most votes in all 50 states is

electd president. That's all it's about,” said Barry Fadem, president of National Popular Vote. “If states don't want their electoral votes to go to whoever won the national popular vote, fine. That's their decision. But the majority of the voters of this country want the president to be elected by a national popular vote.”

To date, 10 states and the District of Columbia – all safe, blue states – have passed legislation to make the change, which won't be triggered until enough states pass the compact.

Those states – Vermont, Maryland, Washington, Illinois, New Jersey, Massachusetts, California, Hawaii, Rhode Island and New York, as well as Washington, D.C. – equal 61 percent of the 270 electoral votes needed.

A majority of Arizona lawmakers are behind an effort to make the Copper State the first red state to adopt the change, which they argue is good for all political parties.

“I don't believe that Arizona voters actually have a voice in electing the president of the United States through the electoral process. I don't think we really count,” said Sen. Barbara McGuire, D-Kearny. “I think that it would encourage more voters to come out and have a little more faith in their vote making a difference. And I think it

would give Arizonans as a whole, whether you're a Democrat, Republican, independent, what have you, it would allow them to have a greater voice." But a quiet minority of lawmakers are skeptical or oppose the bill. Either way, they've so far refused to comment.

Their silence indicates that the National Popular Vote effort could run into the same trouble it has faced for the past five years in Oregon: It only takes one lawmaker in a position of power, such as the Senate president, to kill a bill.

### **Making Arizona relevant**

In Oregon, Fadem said similar legislation has passed with an overwhelming majority in the House three of the past five years. It also had enough cosponsors to pass in the Senate – but was blocked each time by Oregon's Senate president. In Arizona, Senate President Andy Biggs won't reveal his opinion on National Popular Vote just yet. The Gilbert Republican declined to comment on the legislation.

Biggs has the power to hold up bills in a variety of ways, from declining to assign legislation to a committee or refusing to bring bills to the floor for a vote.

Rep. J.D. Mesnard, the chief sponsor of HB2456, said perhaps Biggs is having the same initial reaction he had when pitched the concept of changing how Arizona votes for president: No way.

"This is, I think, a newer concept. If I had to guess, he probably has on first reaction the same first reaction I had to this, which was, 'I support the Electoral College.' Which I do. I would not be in favor personally of going and amending the U.S. Constitution and making a national popular vote. For me, this isn't about that," the Chandler Republican said.

The argument is all about making Arizona relevant on the national political stage, Mesnard said. Given the way states currently allocate electoral votes, a handful of states – the Associated Press reported Florida, Ohio, Virginia, Wisconsin, Colorado, Iowa and New Hampshire – will get all the attention from candidates during the 2016 presidential election, while "Arizona is sort of off on the sidelines," Mesnard said.

**Gibson McKay, a lobbyist for National Popular Vote, said that raises a question of fundamental fairness.**

**"Come August 2016, the presidential nominees will visit eight states and never leave those states," McKay said. "They will spend billions of dollars**

**and never come to the other 42 states. Whether you're a Republican or Democrat, you know that your vote doesn't count as if you lived in Ohio or Florida or Virginia or North Carolina. It just doesn't count."**

Put another way, seven or eight states get an overwhelming majority of presidential candidates' attention – expressed in both time and money – "and everybody else sucks wind," said Sen. Don Shooter, the chief sponsor of SB1218 on behalf of National Popular Vote.

"This is a way to equalize that, because it will become proportional," the Yuma Republican said.

### **Benefits for Republicans**

Motivation exists for each political party to push for a national popular election of the president, but the push for Democrats may be more obvious given recent election history, Mesnard said. In 2000, then-Vice President Al Gore won the popular vote by more than 500,000 ballots, but lost the election in the Electoral College to then-Texas Gov. George W. Bush.

But Mesnard makes the case that in 2004, the same situation came perilously close to happening to Republicans. Bush overwhelmingly won the popular vote in that election, but only won Ohio and its 20 electoral vote by a slim 2.1 percent margin, or roughly 118,000 ballots.

Had the state swung in Democrat John Kerry's favor, Kerry would have won the election, despite a majority of U.S. voters casting ballots for Bush. Democrats in Arizona might also be more motivated to vote in presidential elections when they know their votes count as a part of a larger national majority, rather than the historical minority they experience in Arizona elections, Mesnard said.

"Why go vote at all if you're a Democrat in the state of Arizona, because the Republican is going to win nine times out of 10 – that probably is the statistic, frankly – so why bother going to vote?" he said.

The reality is even worse for Democrats than Mesnard estimated. A majority of Arizona voters have cast ballots for a Democratic presidential candidate only once since 1952, in the 1996 presidential election. However, changing the system of casting electoral votes could reverse the effect in Arizona. Perhaps a majority of Arizonans cast votes for a Republican candidate, but as a part of a national popular vote, a Democrat wins the election.

“Look. There’s no easy response other than what makes sense for Arizona,” Mesnard said. “And this puts us on the map.”

The motivation for Republicans is one of finances and resources. Arizona sends its fundraising dollars, and often some of its better political operatives, out of state every four years to work on the campaign trail for candidates who won’t visit Arizona, according to McKay.

Arizonans donated \$14.6 million dollars combined to President Obama and former Massachusetts Gov. Mitt Romney, according to FairVote, a Maryland-based non-partisan organization that pushes for reforms in elections and representation. Of those millions, the candidates spent only a combined \$40,350 on ads in Arizona between April and November of 2012.

And from a policy standpoint, Mesnard argued that national candidates will have to take more seriously issues that affect Western states. Special interests in swing states will also be hurt by candidates taking a broader campaign path to the White House, McKay said.

“You start to recognize that many of the policy decisions that are being made after a president is elected are made based on those battleground states, and the need to capture those particular electoral votes,” McKay said.

#### **Opposition from the Democratic chair**

Not all are convinced. Biggs has yet to weigh in, and a majority of the GOP Caucus in the Senate did not sign on to SB1218. Sen. John Kavanagh, R-Fountain Hills, would only say it’s a complex issue with good arguments on both sides.

And while all 12 Senate Democrats signed on as sponsors of Shooter’s bill, the state Democratic Party chair is opposed to the national popular vote.

“We believe that in each and every election, each vote should be counted because everyone’s voice matters,” Chairwoman Alexis Tameron said.

“There’s no way this bill turns us into a representative Democratic electoral system unless a federal amendment mandates all states participate. The fact that Arizona would have to give all its electoral votes to the overall winner, rather than how Arizona voters actually voted, is incredibly problematic from my perspective. Thus, I wouldn’t support it.”

Robert Graham, chair of the Arizona Republican Party, did not respond to calls for comment.

None of that may matter, however, if Biggs – as did the Senate president in Oregon – opposes the bill. Biggs has a history of singlehandedly

blocking legislation. In 2014, he drew the ire of former Alaska Gov. Sarah Palin for blocking conservative legislation calling for an Article V Convention, a maneuver by states aimed at amending the U.S. Constitution.

Shooter and Mesnard say a national popular vote is a different, state-led issue, not an end-around the Electoral College or a constitutional amendment.

“I would never have sponsored that if I believed that,” Mesnard said. “I will say that I like that the Legislature retains its authority and responsibility and important role when it comes to electing a president of the United States... Frankly it allows more responsibility than if you amend the Constitution. This really allows the states to maintain their role in this.”

With enough lawmakers in support already to easily pass the bill on the floor of each chamber, Shooter said he hopes it’s just a matter of time and education before a bill reaches the governor’s desk.

“I don’t think they’re really familiar with the details,” Shooter said of those opposed or on the fence about National Popular Vote legislation. “I think once they become familiar with it – it was like me. I was basically against it, and then as I began to look into it, a lot of my concerns were mitigated.”