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FISCAL IMPACT REPORT

ORIGINAL DATE 02/02/09

SPONSOR Morales LAST UPDATED _____ HB _____

SHORT TITLE Enact Agreement for Popular Vote SB 413

ANALYST Ortiz

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates HB383

SOURCES OF INFORMATION

LFC Files

Responses Received From
Secretary of State (SOS)

SUMMARY

Synopsis of Bill

Senate Bill 413 enacts a law creating a compact among the states to elect the president by national popular votes. It requires that the number of votes for president in the each of the member states be added to produce a national popular vote total for each presidential slate. Each member state would need to make an official statement of its final determination for counting of its electoral votes by Congress. This agreement would take effect when states cumulatively possess a majority of the electoral votes have enacted this agreement. States may withdraw from the agreement, however if the withdraw is six month or less before the end of a President's term, it is not effective until a President or Vice President shall have been qualified to serve the next term.

SIGNIFICANT ISSUES

Under the U.S. Constitution, the states have exclusive and plenary (complete) power to allocate their electoral votes, and may change their state laws concerning the awarding of their electoral votes at any time. Under the National Popular Vote bill, all of the state's electoral votes would be awarded to the presidential candidate who receives the most popular votes in all 50 states and the

District of Columbia. The bill would take effect only when enacted, in identical form, by states possessing a majority of the electoral votes—that is, enough electoral votes to elect a President (270 of 538).

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Duplicates HB 383.

OTHER SUBSTANTIVE ISSUES

Pros: Under the winner-take-all rule, candidates have no reason to poll, visit, advertise, organize, or pay attention to the concerns of states where they are safely ahead or hopelessly behind. Instead, candidates concentrate their attention on a small handful of closely divided "battleground" states. This means that voters in two thirds of the states are ignored in presidential elections. In 2004, candidates concentrated over two-thirds of their money and campaign visits in just five states; over 80% in nine states; and over 99% of their money in just 16 states.

Cons: National Popular Vote has the potential to disenfranchise the majority of a state's voters as the national winner is not necessarily the candidate who wins the votes within a state. It would reduce the rights of states and increase the rights of individuals in all states. Each state would relinquish an independent role by mandating it be party to the National Popular Vote Compact.

EO/svb