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**BILL ANALYSIS | Election Security**

# **BILL ANALYSIS: THE NATIONAL POPULAR VOTE INTERSTATE COMPACT**

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## **TOPLINE POINTS**

- ★ The National Popular Vote Interstate Compact is a multi-state agreement that if enacted would change how electoral votes are distributed.
- ★ There are significant Constitutional and legal objections to the NPVIC, as well as serious violations of Founder intent.
- ★ As of June 2026, 18 states and the District of Columbia have passed laws to join the National Popular Vote Interstate Compact; with just 48 more electoral votes—from just four states—the Compact goes into effect.

## **Overview**

Since 2007, multiple states have passed legislation joining the [National Popular Vote Interstate Compact](#) (NPVIC), which would mandate that those member states deliver their electoral votes to whichever candidate won the national popular vote rather than distributing electoral votes according to the Electoral College. Several other states are actively considering legislation that would tie them to this compact, completely disregarding the reality that the NPVIC disenfranchises voters in member states if enacted, violates the United States Constitution, and undermines America's Founders' intent.

## **What is the National Popular Vote Compact?**

The National Popular Vote Interstate Compact (NPVIC) is a multi-state agreement aimed at changing how electoral votes are distributed. The purpose is to partially replace the Electoral College process defined in the U.S. Constitution with the national popular vote. The NPVIC requires that, once enough states sign the compact to reach or exceed the 270 electoral vote threshold needed to elect a president, each member state within the compact would then ignore the popular vote in their state to allocate electors and instead allocate them to the candidate who won the national popular vote. The NPVIC currently has 18 member states plus Washington, D.C., representing 222 electoral votes. Only four more states, with 48 cumulative votes, are needed as members in order for the compact to go into effect.

The [member states and their electoral votes](#) are:

1. Maryland (2007) – 10 electoral votes.
2. New Jersey (2008) – 14 electoral votes.
3. Illinois (2008) – 19 electoral votes.
4. Hawaii (2008) – 4 electoral votes.
5. Washington (2009) – 12 electoral votes.
6. Massachusetts (2010) – 11 electoral votes.
7. The District of Columbia (2010) – 3 electoral votes.
8. Vermont (2011) – 3 electoral votes.
9. California (2011) – 54 electoral votes.
10. Rhode Island (2013) – 4 electoral votes.
11. New York (2014) – 28 electoral votes.
12. Connecticut (2018) – 7 electoral votes.
13. Colorado (2019) – 10 electoral votes.
14. Delaware (2019) – 3 electoral votes.
15. New Mexico (2019) – 5 electoral votes.
16. Oregon (2019) – 8 electoral votes.
17. Minnesota (2023) – 10 electoral votes.
18. Maine (2024) – 4 electoral votes.
19. Virginia (2026) – 13 electoral votes.

In addition to the 19 jurisdictions which have enacted NPVIC legislation, eight others have considered NPVIC in recent years:

- [SB 954](#), from North Carolina, passed the Senate in 2007.
- [HB 1339](#), from Arkansas, passed the House in 2009.
- [SB 906](#), from Oklahoma, passed the Senate in 2014.
- [HB 2456](#), from Arizona, passed the House in 2016.
- [HB 929](#), from Georgia, passed out of a House committee in 2016.
- [HB 1959](#), from Missouri, passed out of a House committee in 2016.
- [HB 4156](#), from Michigan, passed out of a House committee in 2023.
- [AJR6](#), from Nevada, passed the Senate and House in 2023, but the sponsor did not request passage in 2026, preventing it from going onto the ballot.

### Bill Text and Analysis:

Below is the full text and analysis of each of the compact's five articles.

### Article I—Membership

Any State of the United States and the District of Columbia may become a member of this agreement by enacting this agreement.



- *Analysis: The first article states that any state is free to join the compact without congressional approval. This is in direct conflict with the Compact Clause of Article I, Section 10 of the U.S. Constitution, which states that “No State shall, without the Consent of Congress...enter into any Agreement or Compact with another State.” By entering into such an agreement, member states consolidate political power at the expense of non-member states and the federal structure of the electoral college. This fundamentally alters presidential elections by creating binding obligations among states. Member states lose unilateral freedom to administer presidential elector selection once the Compact becomes effective.*

## **Article II—Right of the People in Member States to Vote for President and Vice President**

Each member state shall conduct a statewide popular election for President and Vice President of the United States.

- *Analysis: While short, this second article hides a serious administrative implication that violates the Founders’ intent. Every American’s right to vote for presidential and vice-presidential electors is granted by the states. This article contracts states into popular elections permanently, meaning that a future state legislature could not choose a different method of appointment. The Founders specifically gave state legislatures authority over elector selection in Article II, Section 1 of the Constitution.*

## **Article III—Manner of Appointing Presidential Electors in Member States**

Prior to the time set by law for the meeting and voting by the presidential electors, the chief election official of each member state shall determine the number of votes for each presidential slate in each State of the United States and in the District of Columbia in which votes have been cast in a statewide popular election and shall add such votes together to produce a “national popular vote total” for each presidential slate.

The chief election official of each member state shall designate the presidential slate with the largest national popular vote total as the “national popular vote winner.”

The presidential elector certifying official of each member state shall certify the appointment in that official’s own state of the elector slate nominated in that state in association with the national popular vote winner.

At least six days before the day fixed by law for the meeting and voting by the presidential electors, each member state shall make a final determination of the number of popular votes cast in the state for each presidential slate and shall communicate an official statement of such determination within 24 hours to the chief election official of each other member state.



The chief election official of each member state shall treat as conclusive an official statement containing the number of popular votes in a state for each presidential slate made by the day established by federal law for making a state's final determination conclusive as to the counting of electoral votes by Congress. In event of a tie for the national popular vote winner, the presidential elector certifying official of each member state shall certify the appointment of the elector slate nominated in association with the presidential slate receiving the largest number of popular votes within that official's own state.

If, for any reason, the number of presidential electors nominated in a member state in association with the national popular vote winner is less than or greater than that state's number of electoral votes, the presidential candidate on the presidential slate that has been designated as the national popular vote winner shall have the power to nominate the presidential electors for that state and that state's presidential elector certifying official shall certify the appointment of such nominees.

The chief election official of each member state shall immediately release to the public all vote counts or statements of votes as they are determined or obtained.

This article shall govern the appointment of presidential electors in each member state in any year in which this agreement is, on July 20, in effect in states cumulatively possessing a majority of the electoral votes.

- *Analysis: this article establishes the process and function of the NPVIC, detailing how to aggregate national vote totals, how to designate the winner, and mandating all member states to cast their electoral votes for that winner. There are several greatly concerning clauses in this article. Under Clause 1, which addresses national aggregation, states that are not party to the NPVIC can determine for whom the member states cast their votes. Aggregate vote totals from all 50 states and D.C. determine who member states vote for, even if the majority of the residents of those member states voted for another candidate. For example, if the majority of Virginia voters cast their ballots for the Republican candidate, and yet the Democrat candidate won the National Popular Vote, the elector votes of Virginia would be counted towards the Democrat. Clause 3 makes this scenario enforceable. This completely inverts the Founders' establishment of the Electoral College framework, which was designed so that each state's electors best represented the majority opinion of the residents of that particular state.*

#### Article IV—Other Provisions

This agreement shall take effect when states cumulatively possessing a majority of the electoral votes have enacted this agreement in substantially the same form and the enactments by such states have taken effect in each state.



Any member state may withdraw from this agreement, except that a withdrawal occurring six months or less before the end of a President's term shall not become effective until a President or Vice President shall have been qualified to serve the next term.

The chief executive of each member state shall promptly notify the chief executive of all other states of when this agreement has been enacted and has taken effect in that official's state, when the state has withdrawn from this agreement, and when this agreement takes effect generally.

This agreement shall terminate if the electoral college is abolished.

If any provision of this agreement is held invalid, the remaining provisions shall not be affected.

- *Analysis: This article creates a blackout period for withdrawal from the compact during the six months leading up to a presidential election. This is an incredible limitation on any member state. Even if a state legislature or governor decided that the compact was not serving their state residents in any given presidential year, they are forced to remain in the compact during the blackout period—effectively pitting the entire state lawmaking bodies as well as that state's public against a compact to which they are bound, and completely undermining the Founders' intent of states having control of the election process.*

## Article V—Definitions

For purposes of this agreement,

“chief executive” shall mean the Governor of a State of the United States or the Mayor of the District of Columbia;

“elector slate” shall mean a slate of candidates who have been nominated in a state for the position of presidential elector in association with a presidential slate;

“chief election official” shall mean the state official or body that is authorized to certify the total number of popular votes for each presidential slate;

“presidential elector” shall mean an elector for President and Vice President of the United States;

“presidential elector certifying official” shall mean the state official or body that is authorized to certify the appointment of the state's presidential electors;

“presidential slate” shall mean a slate of two persons, the first of whom has been nominated as a candidate for President of the United States and the second of whom has been nominated as a candidate for Vice President of the United States, or any legal successors to such persons, regardless of whether both names appear on the ballot presented to the voter in a particular state;



“state” shall mean a State of the United States and the District of Columbia; and

“statewide popular election” shall mean a general election in which votes are cast for presidential slates by individual voters and counted on a statewide basis.

- *Analysis: While definitions seem benign, one in particular stands out. The definition of “State” includes D.C., even though it does not have a state legislature. While the 23<sup>rd</sup> Amendment gave D.C. the right to appoint presidential electors, Article II, Section 1 grants power over elector appointment to state legislatures. Including D.C. as a “State” blurs the important distinction between the two.*

## Conclusion

The NPVIC is a deliberate attempt to destroy the delicate and intentional balance that the Founders crafted between individual state power and the electoral power of populous, urban states. Furthermore, the NPVIC likely violates the U.S. Constitution's Compact Clause by creating an agreement between states that intentionally circumvents Congress and congressional intent.

In an effort to gain political advantage, proponents of the NPVIC are willing to marginalize segments of the United States. This compact would lead to the disenfranchisement of the electorates of entire states—replacing them with the election choices of large urban states like California, Illinois, and New York and subverting the Electoral College, which is a cornerstone of political balance in the United States. The NPVIC must be soundly rejected to protect all American voters and the integrity of our national elections.



