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SJR-3 Presidential elections: electoral college. (2017-2018)

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Senate Joint Resolution No. 3

CHAPTER 100

Relative to presidential elections.

[Filed with Secretary of State July 07, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SJR 3, Hill. Presidential elections: electoral college.

This measure would urge the state legislature and governor of each state to ratify the Agreement Among the States to Elect the President by National Popular Vote so that the President and Vice President of the United States are directly elected by the popular vote of all eligible citizens of the United States.

Fiscal Committee: no

WHEREAS, Fifty-four percent of Americans favor amending the United States Constitution to elect the President and Vice President of the United States by popular vote; and

WHEREAS, Fifty-seven percent of Californians think a national popular vote system should be used to determine the President and Vice President of the United States; and

WHEREAS, A majority of Americans have preferred a national popular vote system dating back to Ronald Reagan's presidency; and

WHEREAS, Section 1 of Article II of the United States Constitution gives the states exclusive control over awarding their electoral votes: "Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors..."; and

WHEREAS, Maine and Nebraska currently award electoral votes by congressional district, which is a reminder that the method of awarding electoral votes is a state decision; and

WHEREAS, Ten states and the District of Columbia have already adopted National Popular Vote legislation that commits them to an interstate compact to award electoral votes to the presidential slate that wins the most votes nationwide; and

WHEREAS, The states that have adopted National Popular Vote legislation are California (55 electoral votes), Hawaii (4), Illinois (20), Massachusetts (11), Maryland (10), New Jersey (14), New York (29), Rhode Island (4), Vermont (3), and Washington (12), totaling 165 electoral votes or 61 percent of the 270 electoral votes needed to select the President and Vice President of the United States; and

WHEREAS, California adopted National Popular Vote legislation in 2011 with the passage of Assembly Bill 459, authored by then-Assembly Member Jerry Hill; and

WHEREAS, Several states have not yet adopted National Popular Vote legislation, even though a majority of their voters in recent elections cast ballots for the presidential slate that received the most votes nationwide but lost the election because of the current electoral college system; and

WHEREAS, Those states include Colorado (9 electoral votes), Connecticut (7), Delaware (3), Maine (4), Minnesota (10), Nevada (6), New Hampshire (4), New Mexico (5), Michigan (16), Oregon (7), Pennsylvania (20), Virginia (13), and Wisconsin (10), totaling 114 electoral votes; and

WHEREAS, If the legislatures and governors of those states adopted National Popular Vote legislation, it would bring the total number of electoral votes subject to the Agreement Among the States to Elect the President by National Popular Vote to 279 electoral votes, surpassing the 270 electoral votes needed to guarantee that the presidential slate that wins the most votes nationwide is elected as the next President and Vice President of the United States; and

WHEREAS, According to nationalpopularvote.com, a federal constitutional amendment or action by Congress is not necessary to change the current method of electing the President and Vice President of the United States; and

WHEREAS, The United States Constitution gives the states the exclusive and plenary power to choose the method of awarding their electoral votes; and

WHEREAS, The shortcomings of the current system of electing the President and Vice President of the United States stem from winner-take-all statutes that award all of a state's electoral votes to the presidential slate that receives the most popular votes within each separate state; and

WHEREAS, The state-by-state winner-take-all method of awarding electoral votes is not found in the United States Constitution, was not debated at the Constitutional Convention of 1787, and is not discussed in the Federalist Papers; and

WHEREAS, The winner-take-all method of awarding electoral votes was used by only three states in the nation's first presidential election in 1789, and those states abandoned that method by 1800. The Founders were dead for decades before the winner-take-all method became the predominant method for awarding electoral votes; and

WHEREAS, The winner-take-all method of awarding electoral votes is used today in 48 of the 50 states because it was enacted as a state statute in those states, under the same provision of the United States Constitution that empowers the states to choose the method of awarding their electoral votes and is being used to enact National Popular Vote legislation; and

WHEREAS, Winner-take-all statutes may be repealed in the same way they were enacted; namely, through each state's process for enacting and repealing state laws. Therefore, a federal constitutional amendment is not necessary to change the state-by-state, winner-take-all method of awarding electoral votes; and

WHEREAS, The United States' current electoral college system is causing all but the battleground states to be ignored in presidential elections; and

WHEREAS, Two-thirds of the campaign events for the 2016 presidential general election, 273 campaign events out of 399 total campaign events, occurred in only six states: Florida, Michigan, North Carolina, Ohio, Pennsylvania, and Virginia; and

WHEREAS, Two-thirds of the campaign events for the 2012 presidential general election, 176 campaign events out of 253 total campaign events, occurred in only four states: Iowa, Florida, Ohio, and Virginia; and

WHEREAS, If a national popular vote system was used, candidates would be more likely to campaign in more states based on population centers; and

WHEREAS, The following list of top media markets based on population provides an idea of the states that would receive more attention if a national popular vote system were used: Arizona, California, Colorado, the District of Columbia, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New York, North Carolina, Ohio, Oregon, Pennsylvania, Tennessee, Texas, and Washington; and

WHEREAS, In recent presidential elections the individual receiving the most popular votes nationwide has not won the election due to the current state-by-state winner-take-all electoral college system. In the 2000 presidential general election, the winner of the electoral college received 543,895 fewer national popular votes than his opponent and in the 2016 presidential general election, the winner of the electoral college received over 2.8 million fewer national popular votes than his opponent; and

WHEREAS, Americans deserve an electoral college system that awards the Presidency and Vice Presidency to the candidates who receive the most votes nationwide, regardless of which state a voter lives in; and

WHEREAS, We are all Americans and each vote should matter equally. This represents the true meaning of democracy; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California urges each state legislature and governor to ratify the Agreement Among the States to Elect the President by National Popular Vote; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to each majority and minority leader in each house of every state legislature and to each state Governor.