1 | Shortcomings of the Current System of Electing the President

The seven shortcomings of the current system of electing the President stem from state-level "winner-take-all" laws that award all of a state's electoral votes to the presidential candidate who receives the most popular votes in that state.

(1) **Five of our 46 Presidents came into office without winning the most popular votes nationwide**. The loser of the national popular vote became President in two of the first six presidential elections of the 2000s, namely 2000 and 2016. Moreover, there were two near-miss elections during this period in which a shift of a small number of popular votes in one state in 2004 and three states in 2020 would have given the presidency to the loser of the national popular vote. Overall, there have been 13 such near-misses in the nation's 59 presidential elections. In short, the current state-by-state winner-take-all method of awarding electoral votes does not reliably reflect the will of the people of the United States. In contrast, the National Popular Vote Interstate Compact described in this book will guarantee the presidency to the candidate who receives the most popular votes in all 50 states and the District of Columbia. This history is detailed in section 1.1.

(2) **Voters in three out of four states have been regularly ignored in the general-election campaign for President—and it's getting worse**. The winner-take-all method of awarding electoral votes compels presidential candidates to pay attention only to the voters in closely divided states. Candidates do not visit, advertise, build a grassroots organization, poll, or pay attention to the concerns of voters in states where they are safely ahead or hopelessly behind. The reason is that they have nothing to gain or lose in such states. In the six presidential elections of the 2000s, almost all (between 91% and 100%) of the general-election campaign events were concentrated in a dozen-or-so closely divided battleground states. The voters living in the remaining states were mere spectators to the presidential election. The ignored states include almost all of the small states, rural states, western states, southern states, and northeastern states. Governance—not just campaigning—is distorted when presidential campaigns concentrate on just a few states. Presidential candidates and sitting presidents contemplating their own reelection formulate public policy based on the concerns of the small handful of states that decide the presidency—not the nationwide constituency. Moreover, the electoral map has become nearly stagnant—41 states voted for the same party in the most recent four presidential elec-

tions. Viewed over the last half century, the presidential battleground has shrunk considerably. Looking forward, 80% or more of the country's voters will probably be ignored by the 2024 general-election campaign for President. The National Popular Vote Interstate Compact would make *every* voter in *every* state politically relevant in *every* presidential election (as explained in section 1.2).

(3) **A small number of votes in a small number of states regularly decides the presidency—thereby fueling post-election controversies that threaten democracy.** The fact that a few thousand votes in a handful of closely divided states regularly decide the presidency is an *inherently recurring* feature of the current state-by-state winner-take-all method of awarding electoral votes. The "state-by-state" nature of the current system divides the nation's voters into 51 separate state-level pools of votes. After this Balkanization, a certain relatively small number of the state-level races for President are closely divided. Inevitably, one, two, or three of these closely divided states end up being extremely close on Election Day. Then, a few thousand votes in a few closely divided states will decide the presidency. Razor-thin results in a few states, in turn, generate post-election doubt, controversy, litigation, and unrest over real, imagined, or manufactured irregularities. The 2016 and 2020 elections were each decided by fewer than 80,000 votes, despite multi-million nationwide margins. The presidency has been decided by an average of a mere 287,969 popular votes spread over an average of three states in the six presidential elections between 2000 and 2020. In contrast, the average margin of victory in the national popular vote was 4,668,496—16 times larger. The danger to our republic posed by post-election controversies is heightened because the country has been in an era of consecutive non-landslide presidential elections since 1992. All-or-nothing payoffs at the state level make the national outcome extremely sensitive to fraud, foreign interference, and random events. A sound election system should possess a high level of resistance to the impact of minor influences. The outcome of an election conducted under the National Popular Vote Interstate Compact would be based on multi-million-vote nationwide margins—not microscopic margins in a couple of states (as detailed in section 1.3).

(4) **Every vote is not equal throughout the United States under the current system**. There are five sources of inequality in the value of a vote for President under the current state-by-state winner-take-all method of awarding electoral votes, including

- inequality in the value of a vote arising from the two "senatorial" electoral votes that each state receives in addition to the number warranted by its population,
- inequality in the value of a vote because of imprecision in the process used to apportion U.S. House seats (and hence electoral votes) among the states,

- inequality in the value of a vote caused by the intra-decade population changes after each census that devalues voters in fast-growing states,
- inequality in the value of a vote created by voter-turnout differences that devalues voters in high-turnout states, and
- inequality in the value of a vote created by the fact that voters in one, two, or three states regularly decide presidential elections.

In contrast, every vote throughout the country would be equal under the National Popular Vote Compact, as discussed in section 1.4.

(5) **Voter participation is lower in spectator states than in battleground states**. Many voters realize that living in a spectator state makes them politically irrelevant in the current process of electing the President. As a result, voter turnout is considerably lower in spectator states than in closely divided states. Compared to the rest of the country, voter turnout in the battleground states was 11% higher in 2020, 11% higher in 2016, 16% higher in 2012, and 9% higher in 2008. See section 1.5.

(6) **The current system could result in the U.S. House of Representatives choosing the President on a one-state-one-vote basis**. If no candidate receives an absolute majority of the electoral votes (that is, 270 out of 538), the U.S. House of Representatives chooses the President with each state having one vote. Thus, the loser of the national popular vote could win the presidency in this process. In the six presidential elections of the 2000s, there have been numerous politically plausible combinations of states that could have produced a 269–269 tie in the Electoral College. Moreover, given the ever-increasing number of independent voters, there is a growing possibility that no candidate receives an absolute majority of the electoral votes in a multi-candidate race. The National Popular Vote Compact guarantees that one candidate will always receive a majority in the Electoral College, and therefore a presidential election will never be thrown into Congress (section 1.6).

(7) **Under the current system, an individual's vote for President is not counted as a vote for the presidential candidate preferred by that voter**. In virtually every election in the United States—except for President—every voter's vote is added directly into the count of the candidate favored by that voter. Then, the winner of the election is the candidate favored by most voters in the entire jurisdiction served by the office. However, under the current system of electing the President, a voter's choice gets reflected in the Electoral College only if that voter agrees with the choice made by a plurality of *other* voters in the voter's state. The votes of about 45% of the nation's voters are not counted as a vote in the Electoral College for the presidential candidate preferred by the individual voter. Under the National Popular Vote Compact, every individual's vote for President will be counted directly as a vote for the presidential candidate preferred by that individual voter (section 1.7).

1.1. THE CURRENT SYSTEM DOES NOT ACCURATELY REFLECT THE NATIONAL POPULAR VOTE.

1.1.1. Five wrong-winner elections

Five of the nation's 46 Presidents came into office without winning the most popular votes nationwide.

This outcome—called a "wrong winner," "second-place" or "divergent" election—occurs when a candidate wins an electoral-vote majority while losing the national popular vote.

Table 1.1 shows the five presidential elections in which the candidate with the most popular votes nationwide did not win the presidency.

- Column 4 shows the number of electoral votes required to win in that election.
- Column 5 shows the number of electoral votes above the required majority (the "cushion") received by the person who became President.
- Column 6 shows the popular vote lead in the decisive state(s) of the person who became President (with that state's number of electoral votes).
- Column 7 shows the total popular vote lead in the decisive state(s) of the person who became President—that is, the sum of the popular votes in column 6.
- Column 8 shows the relative value of a voter in the decisive state(s). This is the ratio of the national-popular-vote lead of the person who failed to become President (column 3) compared to the total popular vote lead in the decisive state(s) of the person who became President (column 7).

Based on the average of the numbers in the last column of the table, a voter in the decisive states was 222 times more important than a voter elsewhere in the country.

We now discuss these five wrong-winner elections in detail.

Table 1.1 Five wrong-winner presidential elections

Year	Person who became President	National-popular-vote lead of the candidate who did not become President	Electoral votes needed to win	Number of electoral votes above the required majority received by the person who became President	Popular vote lead in the decisive state(s) of the person who became President	Total popular vote lead in the decisive state(s) of the person who became President	Relative value of a popular vote in the decisive state(s)
2016	Trump	2,868,518 (Clinton)	270	36	10,704 in MI (16) 22,748 in WI (10) 44,292 in PA (20)	77,744	**37**
2000	Bush	543,816 (Gore)	270	1	537 in FL (25)	537	**1,013**
1888	Harrison	89,293 (Cleveland)	201	32	14,373 in NY (36)	14,373	**6**
1876	Hayes	254,694 (Tilden)	185	0	889 in SC (7) 922 in FL (4) 4,807 in LA (8)	6,618	**38**
1824	Adams	38,149 (Jackson)	131	NA	109 in MD (11) 244 in IL (3) 766 in OH (16) 1,467 in MO (3)	2,586	**15**
	Average	**758,894**				**20,372**	**222**

Figure 1.1 Herb Block cartoon of October 7, 1948[1]

2016 election

Donald Trump became President in 2016 even though Hillary Clinton won the national popular vote by 2,868,518 votes (as shown in column 3 of table 1.1).[2]

Trump's 306–232 lead[3] in the Electoral College came from carrying the following three decisive states by small popular vote margins (as shown in column 6 of the table 1.1).

- Michigan (16 electoral votes) by 10,704 popular votes,
- Wisconsin (10 electoral votes) by 22,748 popular votes, and
- Pennsylvania (20 electoral votes) by 44,292 popular votes.

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[1] The authors gratefully acknowledge the Herb Block Foundation for permission to use the copyrighted cartoon by Herb Block.

[2] In 2016, Donald Trump received 62,985,134 popular votes to Hillary Clinton's 65,853,652 popular votes.

[3] In 2016, Trump and Clinton did not actually receive all the electoral votes to which they were entitled, due to several faithless presidential electors. Because of two Republican faithless electors from Texas, Trump received only 304 electoral votes when the Electoral College met on December 19, 2016. Because of five Democratic faithless electors (four from Washington State and one from Hawaii), Clinton received only 227 electoral votes. See section 3.7.
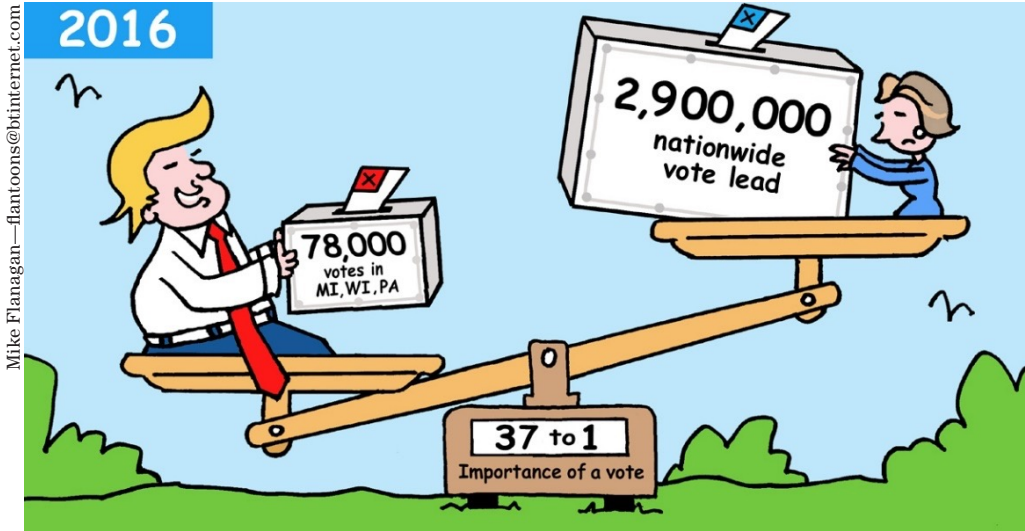
Figure 1.2 A vote in three decisive states in 2016 was 37 times more important than other votes.

Trump's total popular vote lead in these three decisive states was 77,744 (column 7 of the table).

If Clinton had won these three close states, she would have won the Electoral College by a 278–260 margin.

In short, the outcome of an election in which 137,125,484 people voted for President was decided by 77,744 popular votes in three states (column 7 of table 1.1).

Each of these 77,744 popular votes in the three decisive states was 37 times more important than the 2,868,518 votes that constituted Clinton's national-popular vote lead (as shown in figure 1.2).

Of course, there is no way to know whether Donald Trump would have won or lost if the 2016 election had been conducted based on the national popular vote. If the rules of the game had been different, the campaigns would have been run differently.

In the 2016 campaign, almost all (94%) of the general-election campaign events (375 of 399) occurred in 12 closely divided states.

The positions that the candidates took on the issues were designed to appeal to the voters of those critical dozen states—not to the voters of the entire country.

Thus, there is no way of knowing whether the Trump-Pence ticket or the Clinton-Kaine ticket would have received more popular votes nationwide in 2016 if they had campaigned head-to-head in every state.

Having said that, it is a fact that the Trump-Pence ticket won the popular vote by a 51%–49% margin in the 12 states where the two candidates actually campaigned head-to-head.[4]

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[4] Of the 399 general-election campaign events in 2016, only 24 were outside the 12 battleground states. The miscellaneous reasons why the candidates made those 24 visits are discussed in section 1.2.1.

Table 1.2 Trump won the popular vote in the battleground states in 2016.

R Percent	Events	State	Trump (R)	Clinton (D)	R-Margin	D-Margin	R-EV	D-EV
55%	21	IA	800,983	653,669	**147,314**		6	
54%	48	OH	2,841,006	2,394,169	**446,837**		18	
52%	55	NC	2,362,631	2,189,316	**173,315**		15	
52%	10	AZ	1,252,401	1,161,167	**91,234**		11	
51%	71	FL	4,617,886	4,504,975	**112,911**		29	
50%	14	WS	1,405,284	1,382,536	**22,748**		10	
50%	54	PA	2,970,733	2,926,441	**44,292**		20	
50%	22	MI	2,279,543	2,268,839	**10,704**		16	
49.8%	21	NH	345,790	348,526		**2,736**		4
49%	17	NV	512,058	539,260		**27,202**		6
47%	19	CO	1,202,484	1,338,870		**136,386**		9
47%	23	VA	1,769,443	1,981,473		**212,030**		13
50.8%	**375**	**TOTAL**	**22,360,242**	**21,689,241**	**1,049,355**	**378,354**	**125**	**32**

Table 1.2 shows the results in these 12 states.

- Column 1 of the table shows Trump's percentage of the two-party popular vote in each state. The table is sorted in order of Trump's percentage.
- Column 2 shows each state's number of 2016 general-election campaign events.[5]
- Columns 4 and 5 show, respectively, each state's popular vote for Trump and Clinton.
- Columns 6 and 7 show, respectively, the popular vote margin of each state's winner. The eight battleground states that Trump carried are at the top, and the four states that Clinton carried are at the bottom.
- Columns 8 and 9 show, respectively, the number of electoral votes that Trump and Clinton received from each state.

As can be seen in the table, Trump won eight of the 12 battleground states—including all of the bigger ones. Overall, Trump led by 125–32 electoral votes in the 12 battleground states.

2000 election

Texas Governor George W. Bush became President in 2000 despite the fact that Vice President Al Gore won the national popular vote by 543,816.[6]

Bush won the presidency because he carried the decisive state of Florida by 537 popular votes.

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[5] See section 1.2.1 for a precise definition of a "general-election campaign event."

[6] In 2000. Bush received 50,460,110 popular votes to Vice President Gore's 51,003,926.
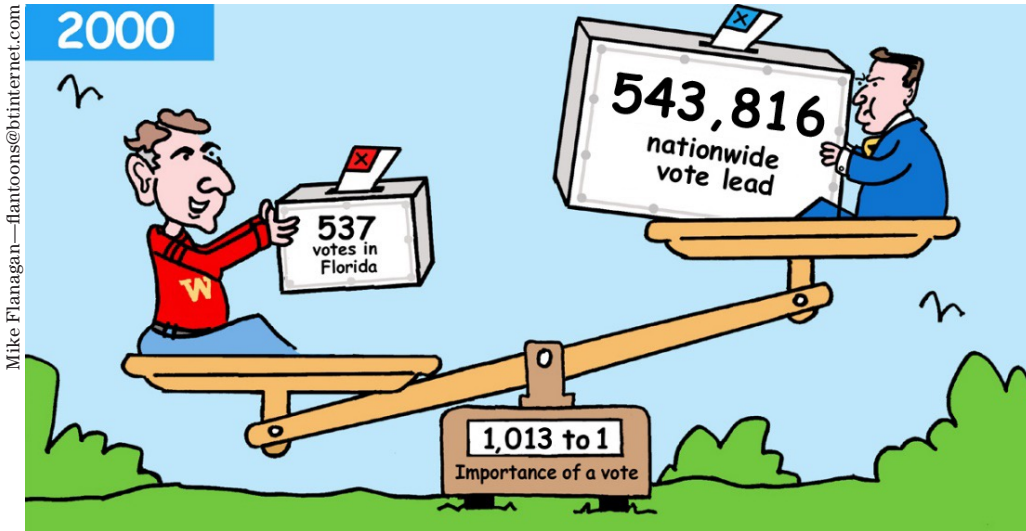
Figure 1.3 A vote in the one decisive state in 2000 (Florida) was 1,013 times more important than other votes.

As a result of narrowly winning Florida's 25 electoral votes, Bush won 271 votes in the Electoral College—one electoral vote more than the 270 needed for election.[7]

If Gore had won the popular vote in Florida, he would have won the Electoral College by a 292–246 margin.

Each of the 537 popular votes in the decisive state of Florida was 1,013 times more important than the 543,816 votes that constituted Gore's lead in the national popular vote (as shown in figure 1.3).

1888 election

Benjamin Harrison became President in 1888 despite the fact that incumbent President Grover Cleveland won the national popular vote by 89,293 votes.[8]

Harrison won the presidency because he carried the decisive state of New York (with 36 electoral votes) by the slender margin of 14,373 popular votes.

As a result of winning New York, Harrison won the Electoral College by a 233–168 margin (with 201 electoral votes needed for election at the time).

If Cleveland had carried New York, he would have been elected by a 204–197 margin in the Electoral College.

Each of the 14,373 popular votes in the decisive state of New York (column 7) was six times more important than the 89,293 votes that constituted Cleveland's national-popular-vote lead (as shown in figure 1.4).

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[7] Bush won the Electoral College by a 271–267 margin. Because of the abstention by one faithless Democratic presidential elector from the District of Columbia in 2000, Gore actually received only 266 votes when the Electoral College met in December. See section 3.7.6 for a discussion of faithless electors.

[8] In 1888, Benjamin Harrison received 5,449,825 popular votes, compared to Grover Cleveland's 5,539,118 popular votes.
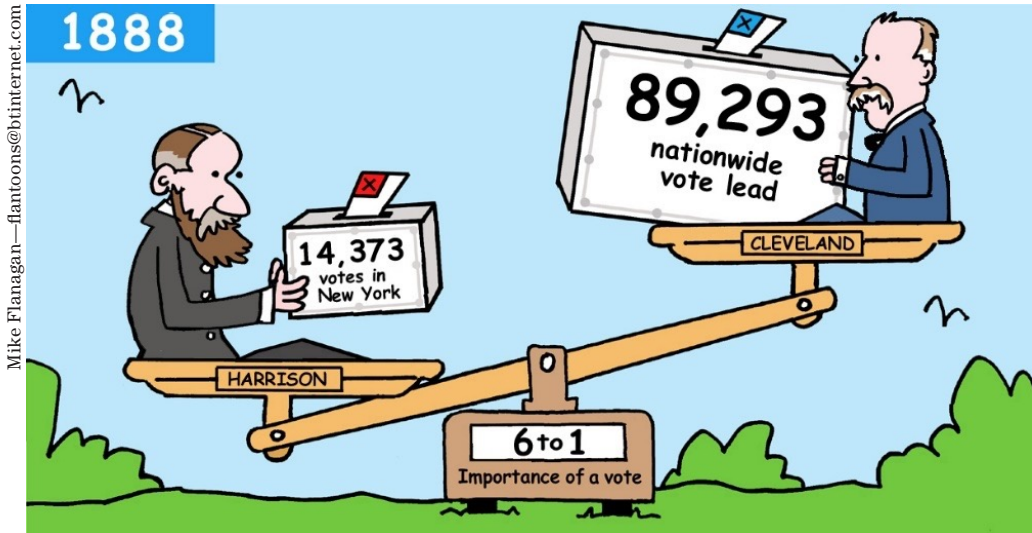
Mike Flanagan—flantoons@btinternet.com

Figure 1.4 A vote in the one decisive state in 1888 (New York) was six times more important than other votes.

1876 election

Rutherford B. Hayes became President even though Samuel J. Tilden won the national popular vote by 254,694.[9]

Hayes won the presidency because he carried three hotly contested states:

- South Carolina (with seven electoral votes at the time) by 889 popular votes,
- Florida (four electoral votes) by 922 popular votes, and
- Louisiana (eight electoral votes) by 4,807 popular votes.[10]

Hayes' total lead in these three decisive states was 6,618 popular votes (column 7).

As a result of winning these three decisive states, Hayes won the Electoral College by a 185–184 margin (with 185 electoral votes needed for election).

Hayes won his one-vote lead in the Electoral College after a special 15-member Electoral Commission created by Congress awarded him all three contested states and dismissed technical eligibility issues involving presidential electors from Oregon and Vermont.[11,12,13,14]

Because Hayes won the Electoral College with no electoral votes to spare, Tilden

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[9] In 1876, Hayes received 4,033,497 popular votes, compared to Tilden's 4,288,191 popular votes.

[10] Congressional Quarterly. 2002. *Presidential Elections 1789–2000*. Washington, DC: CQ Press. Page 125.

[11] Holt, Michael F. 2008. *By One Vote: The Disputed Presidential Election of 1876*. Lawrence, KS: University Press of Kansas.

[12] Rehnquist, William H. 2004. *Centennial Crisis: The Disputed Election of 1876*. New York, NY: Alfred A. Knopf. Pages 109–112.

[13] Morris, Roy B. 2003. *Fraud of the Century: Rutherford B. Hayes, Samuel Tilden, and the Stolen Election of 1876*. Waterville, ME: Thorndike Press.

[14] Robinson, Lloyd. 1996. *The Stolen Election: Hayes versus Tilden—1876*. New York, NY: Tom Doherty Associates Books.
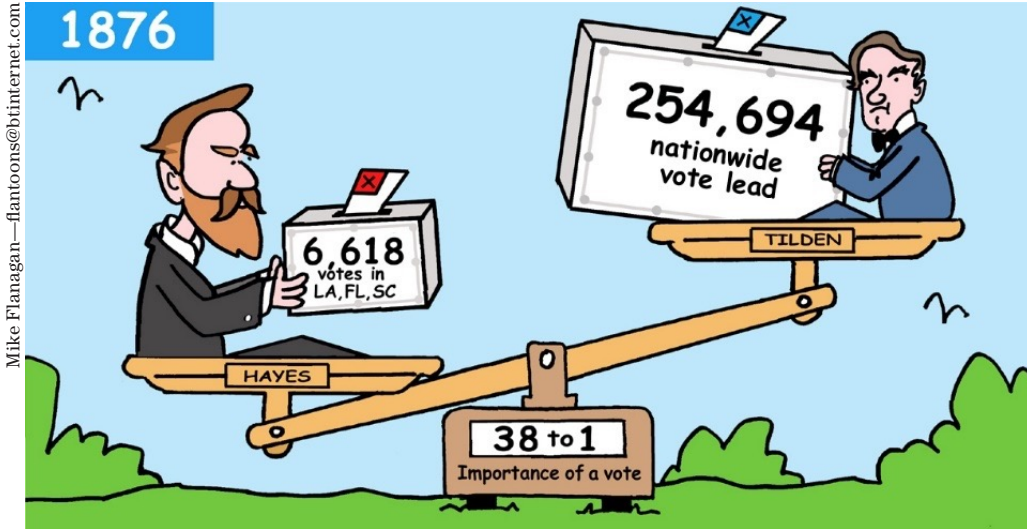
Figure 1.5 A vote in three decisive states in 1876 was 38 times more important than other votes.

would have won a majority in the Electoral College and become President if he had won any one of the three contested states (or either of two eligibility disputes).

Each of the 6,618 popular votes in the three contested states was 38 times more important than the 254,694 votes that constituted Tilden's national-popular-vote lead (as shown in figure 1.5).

1824 election

Four candidates received a substantial number of both popular votes and electoral votes in 1824.

- Andrew Jackson received 151,271 popular votes (41% of the national popular vote).
- John Quincy Adams received 113,122 popular votes (31%).
- Henry Clay received 47,531 popular votes (13%).
- William H. Crawford received 40,856 popular votes (11%).[15]

Jackson led Adams in popular votes and in the Electoral College by a 99–64 margin.[16]

However, Jackson did not receive the required absolute majority of the electoral votes

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[15] Other candidates accounted for an additional 13,053 popular votes (4%).

[16] A complete national popular vote total is not available for the 1824 election. Three-quarters of the then-24 states conducted popular elections for presidential electors in 1824. However, presidential electors were selected by the state legislatures of Delaware, Georgia, Louisiana, New York, South Carolina, and Vermont. Historian Donald Ratcliffe has estimated the likely popular vote for President in these six states based on voting patterns for other offices in that same year. Ratcliffe estimates that Adams' percentage of the national popular vote would have been about 34%—still considerably less than Jackson's. See Ratcliffe, Donald. 2015. *The One-Party Presidential Contest: Adams, Jackson, and 1824's Five-Horse Race.* Lawrence, KS: University Press of Kansas. See table 3 on page 282 and also pages 209, 216, 233, and 234. See also Ratcliffe, Donald. 2014. Popular Preferences in the Presidential Election of 1824. *Journal of the Early Republic.* Volume 34. Pages 45–77.
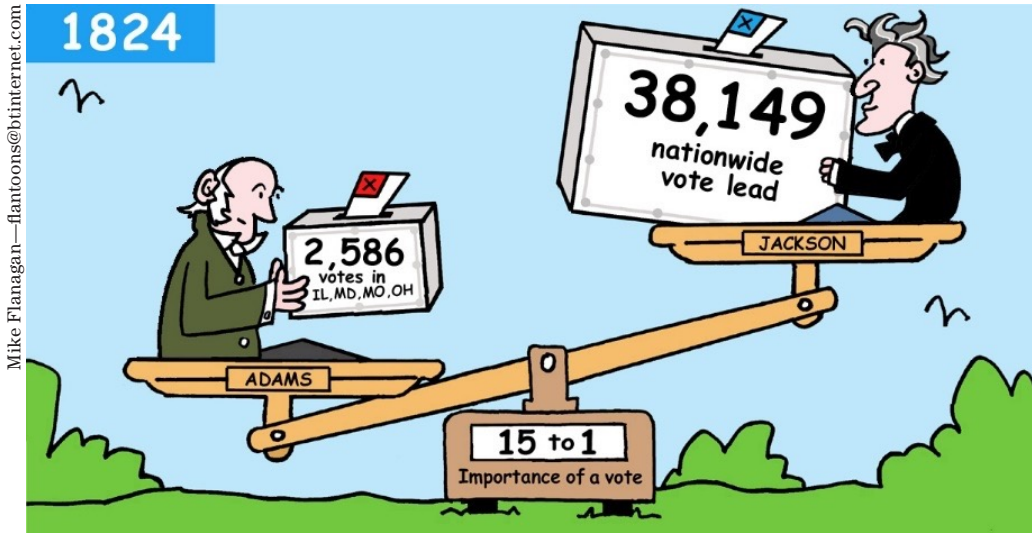
Figure 1.6 A vote in the four decisive states in 1824 was 15 times more important than other votes.

(131 of 261), because Crawford and Clay carried various states and received 41 and 37 electoral votes, respectively.

Jackson would have won an absolute majority of the electoral votes if he had received 2,586 additional popular votes in four states:

- 109 popular votes in Maryland (with 11 electoral votes at the time),
- 244 popular votes in Illinois (three electoral votes),
- 766 popular votes in Ohio (16 electoral votes), and
- 1,467 popular votes in Missouri (three electoral votes).

These four additional states would have given Jackson 132 electoral votes (one more than needed).

Each of the 2,586 popular votes in the four decisive states was 15 times more important than the 38,149 votes that constituted Jackson's national-popular-vote lead (as shown in figure 1.6).

In the absence of these 2,586 popular votes, no candidate received an absolute majority of the electoral votes. Consequently, the presidential election was thrown into the U.S. House of Representatives in which each state had one vote.

The 12th Amendment to the Constitution (ratified in 1804) limited the House's choice to the three candidates who received the most electoral votes—thus excluding House Speaker Henry Clay, who had come in third place in the national popular vote.

Speaker Clay helped the second-place candidate (John Quincy Adams) win the presidency in the House election. Adding yet another controversy to an already problematic election, President Adams then promptly appointed Clay as his Secretary of State—an action that became known as the "Corrupt Bargain."[17]

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[17] Ratcliffe, Donald. 2015. *The One-Party Presidential Contest: Adams, Jackson, and 1824's Five-Horse Race*. Lawrence, KS: University Press of Kansas.

Figure 1.7 Five Presidents have entered office without winning the national popular vote.

The controversial 1824 election spotlighted various undemocratic practices, including the selection of presidential electors by the state legislatures in a quarter of the states.[18] Within two presidential elections, the laws in every state except South Carolina were changed to empower the voters to choose the state's presidential electors.

1.1.2. The current era of close presidential elections

The country today is in an era of consecutive close presidential elections.

In the eight presidential elections between 1992 and 2020, the average national-popular-vote margin was only 4.3%.

Table 1.3 shows the first-place candidate's percentage lead in the national popular vote in the 50 presidential elections between 1824 and 2020.[19] The five negative numbers in the table correspond to the five wrong-winner elections (1824, 1876, 1888, 2000, and 2016).

As can be seen in the table, 40% of the elections in the table were "landslides"—that is, those with a 10% or larger margin of victory.

Moreover, almost half of the 20th century presidential elections (12 of 25) were landslides.

However, that period of landslide presidential elections has now been replaced by an era of close elections.

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[18] Hopkins, James F. 2002. In Schlesinger, Arthur M., Jr., and Israel, Fred L. (editors). *History of American Presidential Elections 1878–2001*. Philadelphia, PA: Chelsea House Publishers. Volume 1. Pages 349–381.

[19] We start this table with 1824, because it was the first year in which a majority of the states conducted popular elections for presidential electors. In 1824, three-quarters of the 24 states conducted popular elections.

Table 1.3 First-place candidate's percentage lead in national popular vote over second-place candidate

Year	Person who became President	First-place candidate's percentage lead in the national popular vote over the second-place candidate	Year	Person who became President	First-place candidate's percentage lead in the national popular vote over the second-place candidate
1824	J. Q. Adams	–10.4%	1924	Coolidge	25.2%
1828	Jackson	16.6%	1928	Hoover	17.4%
1832	Jackson	14.2%	1932	F. D. Roosevelt	17.8%
1836	Van Buren	14.2%	1936	F. D. Roosevelt	24.3%
1840	W. H. Harrison	6.1%	1940	F. D. Roosevelt	9.9%
1844	Polk	1.4%	1944	F. D. Roosevelt	7.5%
1848	Taylor	4.8%	1948	Truman	4.4%
1852	Pierce	6.9%	1952	Eisenhower	10.5%
1856	Buchanan	12.2%	1956	Eisenhower	15.4%
1860	Lincoln	10.4%	1960	Kennedy	0.2%
1864	Lincoln	10.2%	1964	Johnson	22.6%
1868	Grant	5.4%	1968	Nixon	0.7%
1872	Grant	11.8%	1972	Nixon	23.2%
1876	Hayes	–3.0%	1976	Carter	3.1%
1880	Garfield	0.1%	1980	Reagan	9.7%
1884	Cleveland	0.7%	1984	Reagan	18.2%
1888	B. Harrison	–0.8%	1988	G. H. W. Bush	7.8%
1892	Cleveland	3.0%	1992	Clinton	5.6%
1896	McKinley	5.3%	1996	Clinton	8.5%
1900	McKinley	6.2%	2000	G. W. Bush	–0.5%
1904	T. Roosevelt	18.8%	2004	G. W. Bush	2.4%
1908	Taft	8.6%	2008	Obama	7.2%
1912	Wilson	14.4%	2012	Obama	3.9%
1916	Wilson	3.1%	2016	Trump	–2.1%
1920	Harding	26.2%	2020	Biden	4.5%

Since 1992, the nation has been in an era of close presidential elections resembling those of the Gilded Age at the end of the 19th century.[20]

Given the current closely divided political environment, the state-by-state winner-take-all method of awarding electoral votes will almost inevitably create more near-miss elections and more wrong-winner elections.

Indeed, the 1991 book *Wrong Winner: The Coming Debacle in the Electoral College* by David Abbott and James P. Levine[21] correctly predicted that emerging political and demographic trends would lead to an increasing number of elections in which the candidate with the most popular votes nationwide would not win in the Electoral College.

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[20] Kondik, Kyle. 2022. The Electoral College in the 21st Century. *Sabato's Crystal Ball.* December 15, 2022. https://centerforpolitics.org/crystalball/articles/the-electoral-college-in-the-21st-century/

[21] Abbott, David W., and Levine, James P. 1991. *Wrong Winner: The Coming Debacle in the Electoral College.* Westport, CT: Praeger.

Matthew Dowd discussed the possibility of a "wrong winner" election in 2004:

> "In 2004, during my tenure as chief strategist for the Bush–Cheney reelection campaign, I did some scenario planning on possible outcomes in a very close election. I had expected that election to be decided by 3 percentage points or less."

> "One scenario I raised as a real possibility internally was that George Bush could win the popular vote but lose the Electoral College (the exact opposite of what happened in 2000). And this scenario would have come to pass if the Bush margin in Ohio had changed by 120,000 votes. John Kerry would have won the Electoral College, 271 to 266, while Bush would have won the popular vote by approximately 3 million votes."

> "**Subtract 2.2 percent from the margin in each state in 2004 and Bush would have still barely won the popular vote (but by a bigger margin than Gore won the popular vote in 2000), but lost the Electoral College to Kerry, 283 to 254, because Ohio, Iowa, and New Mexico would have switched from Bush to Kerry.**"[22] [Emphasis added]

Dowd applied the same methodology in June 2012, while discussing the possibility of a "wrong winner" election that year:

> "So, let's do some similar scenario planning for 2012, when another tight election is expected. It is also expected to be decided by less than 3 percentage points, just like 2004."

> "In a very tight race this November, … **Romney could win the popular vote by more than 1 million votes and lose the Electoral College to Obama** by a margin of 272 to 266."

> "Let me show you how I arrived at this scenario. Obama won the popular vote by a national percentage of just over 7 points in 2008. If we subtract 8 points from the margin in every state, Romney would have a little less than a 1-point victory nationally (which gives you the 1 million vote margin for him in the popular vote)."

> "And as we subtract 8 points from every state's margin, what happens to the Electoral College? It gets much, much closer, but Obama still wins it by six electoral votes. So, in one very possible scenario, Obama can lose the popular vote and still be reelected because he barely carries the Electoral College."

> "But keep in mind that in the very tight elections since 2000, we have been increasingly faced with a divergence of the popular vote and the Electoral College. This happened in 2000, it could have easily have happened in 2004, and

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[22] Dowd, Matthew. How Obama could lose the popular vote and win the election. *Huffington Post*. June 6, 2012.

it could definitely happen in 2012. But interestingly, **if there is a divergence in 2012, it is likely to benefit President Obama and not Mitt Romney.**"[23] [Emphasis added]

Albert Hunt commented on Dowd's analysis on July 8, 2012:

"If the race is decided by two percentage points or … less than that, the President [Obama] has a slight advantage with the map."[24]

The pre-election predictions made by both Dowd and Hunt were vindicated by the actual results of the 2012 election. As explained in detail in section 9.36.4, if Obama had received 1.96% fewer popular votes in each state (that is, an overall percentage reduction sufficient to create a tie in the national popular vote), he would still have won the Electoral College by a comfortable 285–253 margin.

1.1.3. Probability of wrong-winner elections

In a study entitled "Inversions in U.S. Presidential Elections," Michael Geruso, Dean Spears, and Ishaana Talesara of the University of Texas Electoral College Study reported:

"Inversions—in which the popular vote winner loses the election—have occurred in four U.S. presidential races. We show that rather than being statistical flukes, inversions have been *ex ante* likely since the early 1800s. **In elections yielding a popular vote margin within 1 point** (one-eighth of presidential elections), **about 40 percent will be inversions** in expectation. We show this conditional probability is remarkably stable across historical periods—despite differences in which groups voted, which states existed, and which parties participated.

"Our findings imply that the United States has experienced so few inversions merely because there have been so few elections (and fewer close elections)."[25]

Professor Samuel Wang, Director of the Princeton Election Consortium at Princeton University, and Jacob S. Canter noted in a 2020 study[26] that there have been two periods in American history with multiple consecutive close elections, each with two divergent presidential elections:

- Gilded Age: 1876–1892
- Current era: 1988–2020.

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[23] Dowd, Matthew. How Obama could lose the popular vote and win the election. *Huffington Post*. June 6, 2012.

[24] Hunt, Albert R. Electoral map doesn't always lead straight to White House. *Bloomberg View*. July 8, 2012.

[25] Geruso, Michael; Spears, Dean; and Ishaana Talesara. 2022. Inversions in U.S. Presidential Elections: 1836–2016. *American Economic Journal: Applied Economics*. Volume 14. Number 1. January 2022. Pages 327–357. Page 329. https://www.aeaweb.org/articles?id=10.1257/app.20200210

[26] Wang, Samuel and Canter, Jacob. 2020. The Best Laid Plans: Unintended Consequences of the American Presidential Selection System. *Harvard Law & Policy Review*. Volume 15. Number 1. Winter 2020. Pages 209–236. Page 221.

Based on earlier computer simulations by Vinod Bakthavachalam and Jake Fuentes at the Princeton Election Consortium,[27] Wang and Canter concluded:

"In elections where the popular vote margin across the country was less than 3%, the likelihood of a mismatch was approximately 3 in 10."[28]

Wang also observed:

"Even when the popular vote margin is up to 10%, a 1 in 7 chance of a loss."[29]

In September 2020, Nate Silver tweeted the results of his own simulations on the probability of a wrong-winner election:

Nate Silver ✔
@NateSilver538

Chance of a Biden Electoral college win if he wins the popular vote by X points:

0-1 points: just 6%!
1-2 points: 22%
2-3 points: 46%
3-4 points: 74%
4-5 points: 89%
5-6 points: 98%
6-7 points: 99%

12:11 PM · Sep 2, 2020 · Twitter Web App

10.5K Retweets   **5K** Quote Tweets   **28.2K** Likes

1.1.4. Thirteen near-miss elections

The frequency of near-misses in the Electoral College is a reminder of the fragility of the state-by-state winner-take-all method of awarding electoral votes.

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[27] See also Bakthavachalam, Vinod and Fuentes, Jake. 2017. The Impact of Close Races on Electoral College and Popular Vote Conflicts in US Presidential Elections. Princeton Election Consortium. October 8, 2017. http://election.princeton.edu/wp-content/uploads/2017/10/bakthavachalam_fuentes17_MEVC_popular-electoral-split-model-8oct2017.pdf

[28] Wang, Samuel and Canter, Jacob. 2020. The Best Laid Plans: Unintended Consequences of the American Presidential Selection System. *Harvard Law & Policy Review*. Volume 15. Number 1. Winter 2020. Pages 209–236. Page 221. https://harvardlpr.com/wp-content/uploads/sites/20/2021/08/HLP104.pdf
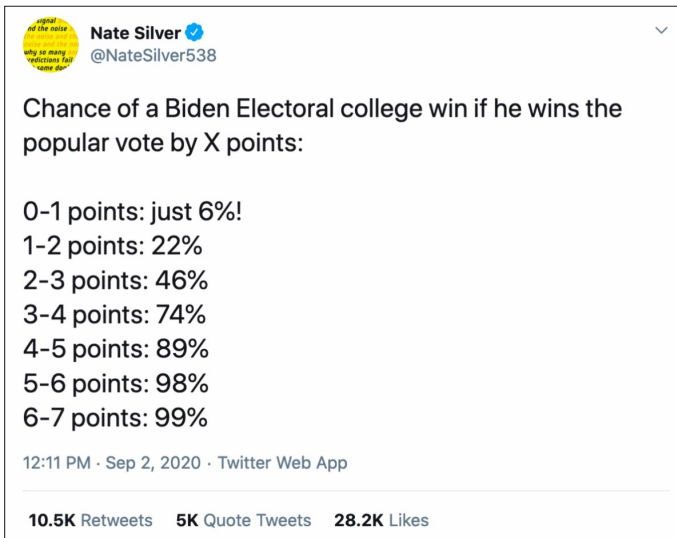
[29] Wang, Samuel. 2019. A Bug in Democracy: Real and Mythical Risks of the Electoral College. Harvard Law School panel on Electoral College. October 18, 2019. Slide 4. https://election.princeton.eduwp-content/uploads/2019/10/HLS-2019-Sam-Wang-Electoral-College-panel.pdf

[30] The authors gratefully acknowledge the Herb Block Foundation for permission to use the copyrighted cartoon by Herb Block.

Figure 1.8 Herb Block cartoon of September 15, 1970[30]

Table 1.4 shows the 13 presidential elections in which a candidate who lost the national popular vote would have won the presidency in the absence of the winner's relatively small popular vote lead in one, two, or three states.[31]

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[31] Professor Robert Alexander's list of "hair breadth" elections mentions eight additional elections in which a shift of a relatively small number of popular votes in *more than three states* would have given a majority in the Electoral College to a candidate who lost the national popular vote. These eight elections are the 1828 election (involving small popular-vote shifts in five states), 1840 (four states), 1864 (seven states), 1868 (seven states), 1992 (five states), 1896 (six states), 1900 (seven states), and 1908 (eight states). Note that the 1880 election is on Alexander's list of hair breadth elections (but not in our table here) because of a slight difference in methodology. Alexander's list is based on a *shift* (or swift) by a certain number of people who actually voted for President, whereas our table is constructed on the basis of the *absence* of the leading candidate's margin. This can be the result from a voter's failure to come to the polls or an abstention for President by the voter—rather than only a change of mind of a voter who actually came to the polls and voted for President. Despite this slight difference in methodology, the overarching conclusion common to both Alexander's list and our table is that there have been a considerable number of near-miss and hair breadth elections. See table 5.4 on page 108 in Alexander, Robert M. 2019. *Representation and the Electoral College*. New York, NY: Oxford University Press.

Table 1.4 The 13 near-miss presidential elections

Year	Person who became President	National-popular-vote lead of person who became President	Electoral votes needed to win	Number of electoral votes above the required majority received by the person who became President	Popular vote lead in the decisive state(s) of the person who became President	Total popular vote lead in the decisive state(s) of the person who became President	Relative value of the decisive popular votes in the decisive state(s)
2020	Biden	7,052,711	270	36	10,457 in AZ (11) 11,779 in GA (16) 20,682 in WI (10)	42,918	164
2004	Bush	3,012,179	270	16	118,601 in OH (20)	118,601	25
1976	Carter	1,682,970	270	27	7,322 in HI (4) 11,116 in OH (25)	18,438	91
1968	Nixon	510,645	270	31	20,488 in MO (12) 134,960 in IL (26)	155,448	3
1960	Kennedy	118,574	269	34	8,858 in IL (27) 9,571 in SC (8)	18,429	6
1948	Truman	2,135,746	266	37	17,865 in CA (25) 7,107 in OH (25)	24,972	85
1916	Wilson	579,024	266	11	3,430 in CA (13)	3,430	169
1884	Cleveland	66,670	201	18	1,047 in NY (36)	1,047	64
1860	Lincoln	485,706	152	28	50,136 in NY (35)	50,136	10
1856	Buchanan	493,727	149	25	1,729 in DE (3) 9,253 in IL (11) 24,295 in IN (13)	35,277	14
1848	Taylor	137,933	146	17	13,544 in PA (26)	13,544	10
1844	Polk	39,490	138	32	5,106 in NY (36)	5,106	8
1836	Van Buren	213,360	148	22	28,247 in NY (42)	28,247	8
	Average	**1,271,144**				**39,675**	**51**

As seen in the table, votes cast in the decisive states were an average of 51 times more important than votes cast elsewhere in the country in these 13 elections.[32]

In short, these 13 near-miss elections illustrate both the precariousness of the current state-by-state winner-take-all method of awarding electoral votes and the enormous inequalities in the power of a vote to decide the national outcome.

Having discussed the five elections in which the national popular vote winner did not become President, we now discuss these 13 near-miss elections.

Note also that our table is constructed on the basis of the *smallest number of states* needed to reverse the national outcome. In some elections (such as 2004 and 1968), the national outcome would have been reversed by a smaller number of popular votes in a slightly larger number of states.

The data for elections between 1836 and 1976 in this table come from Congressional Quarterly. 2008. *Presidential Elections 1789–2008*. Washington, D.C.: CQ Press.

[32] The average shown in the lower-right corner of the table is the average of the numbers in the last column. If the average were computed based on the last row of the table, the decisive voters in the decisive states were 32 times more important than voters elsewhere (that is, 1,271,144 divided by 39,675).

2020 election

The recent 2020 presidential election was a near-miss.

Candidate Joe Biden received 81,268,586 popular votes to incumbent President Donald Trump's 74,215,875 popular votes. That is, Biden won the national popular vote by 7,052,711 votes.

Biden won the Electoral College by a 306–232 margin (with 270 electoral votes needed for election).

As shown in column 6 of table 1.4, Biden's victory depended on his carrying:

- Arizona (11 electoral votes) by 10,457 popular votes,
- Georgia (16 electoral votes) by 11,779 popular votes, and
- Wisconsin (10 electoral votes) by 20,682 popular votes.

That is, a total of 42,918 popular votes (column 7) in three states were decisive in electing Biden—not his lead of 7,052,711 votes nationwide.[33]

As shown in the last column of the table, each of the 42,918 popular votes was 164 times more important than the 7,052,711 votes that Biden received nationally.

These decisive 42,918 votes were 0.00027 of the 158,224,999 votes cast for President in 2020.[34]

On December 14, 2020, the Electoral College met and elected Joe Biden President by a margin of 306–232 electoral votes—that is, 36 electoral votes more than the 270 required for election.

It should be remembered that the Electoral College does not meet in one central location when it meets on the designated day in December. Instead, the Constitution requires that the presidential electors "meet in their respective states."[35]

Because the Constitution requires that the Electoral College meet in this geographically dispersed fashion, the electoral votes must necessarily be counted at some central location. The counting of the electoral votes takes place in a joint session of Congress on January 6 in what is ordinarily a perfunctory and ceremonial proceeding.

If Biden had not received the 37 electoral votes from Arizona, Georgia, and Wisconsin, there would have been a 269–269 tie in the Electoral College. In that case, the choice of President would have been thrown into the newly elected U.S. House of Representatives on January 6, 2021.

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[33] Some political writers discuss close elections in terms of the number of voters who, if they had changed their minds, would have changed the national outcome. For example, if 5,229 voters in Arizona, 5,890 in Georgia, and 10,342 in Wisconsin had decided to vote for Trump instead of Biden, Trump would have won those three states and, therefore, been re-elected. That is, the national outcome would have been reversed if 21,461 voters in the three decisive states had changed their minds and voted for Trump instead of Biden. We prefer to focus on the number of votes that, *if absent*, would have changed the national outcome. We believe our approach is preferable, because it encompasses the possibility of voters who decided not to come to the polls at all or decided to abstain from voting for President after they came to the polls—not just voters who changed their minds. However, regardless of which methodology is used, the main point is that a small number of voters were in a position to reverse the national outcome.

[34] In addition to the votes cast for the two major-party candidates, 2,740,538 votes were cast for minor-party, independent candidates, write-in, and "none of the above" candidates in 2020.

[35] U.S. Constitution. Article II, section 1, clause 3. This same language appears in the 12th Amendment (ratified in 1804).

In the resulting so-called "contingent election" in the House, each state's delegation has one vote, and the District of Columbia has no vote at all. An absolute majority of the states (26 out of 50) is required for election. If the voting had paralleled the partisan composition of the House at the time, Donald Trump would have won a majority of state delegations and hence retained the presidency.[36]

If no vice-presidential candidate receives an absolute majority of the electoral votes appointed, the U.S. Senate elects the Vice President—with each Senator having one vote. The two new Democratic U.S. Senators elected in Georgia's January 5, 2021, run-off had not been seated by January 6. Thus, if the voting for Vice President had paralleled the Senate's partisan composition on January 6, Mike Pence would have been chosen by a 50–48 vote.

In short, a total of 42,918 popular votes from the states of Arizona, Georgia, and Wisconsin made the difference between the Biden-Harris ticket and the Trump-Pence ticket being inaugurated on January 20, 2021.

2004 election

In 2004, incumbent President George W. Bush had a nationwide lead over Senator John Kerry of 3,012,179 popular votes.

Nonetheless, the outcome of the election remained in doubt after Election Night, because it was not initially clear whether Bush or Kerry was going to win Ohio's 20 electoral votes. When all the votes were counted in Ohio, Bush had 118,601 more popular votes than Kerry—thus winning all of the state's 20 electoral votes. Those 20 electoral votes gave Bush a 286–252 majority in the Electoral College (with 270 electoral votes being required for election).

Bush's lead of 118,601 popular votes in Ohio decided the presidency. In the absence of Bush's lead in Ohio, Kerry would have won in the Electoral College (and hence the presidency). Each of these 118,601 votes in the decisive state of Ohio was 25 times more important than the 3,012,179 votes that constituted Bush's national-popular-vote margin.[37]

The decisive 118,601 popular votes in Ohio constituted a mere 0.097% of the 122,303,536 votes cast for President in 2004.[38]

Note that table 1.4 was constructed based on the popular vote margin in the *fewest* states needed to reverse the national outcome—the single state of Ohio in the case of the 2004 election. This widely used methodology is reasonable, but it is not the only way to look at things.

Indeed, 118,601 was not the smallest total number of popular votes needed to reverse the national outcome in 2004. For example, the national outcome in 2004 also would have been reversed in the absence of a mere 27,431 votes in the following three states:

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[36] A contingent election in the House might also have been triggered under one of the alternative scenarios outlined on page 5 of Professor John Eastman's January 3, 2021, memo entitled "January 6 Scenario." http://cdn.cnn.com/cnn/2021/images/09/21/privileged.and.confidential.--.jan.3.memo.on.jan.6.scenario.pdf

[37] To put it another way, if 59,301 voters in Ohio had decided to vote for Kerry instead of Bush, Kerry would have won the Electoral College with 272 electoral votes.

[38] In addition to the votes cast for the two major-party candidates, 1,234,493 votes were cast for minor-party, independent candidates, write-in, and "none of the above" candidates in 2004.

- 11,384 votes in Wisconsin (10 electoral votes),
- 5,988 in New Mexico (five electoral votes), and
- 10,059 in Iowa (six electoral votes).

Each of these 27,431 votes was 110 times more important than the 3,012,179 votes that constituted Bush's national-popular vote margin.

1976 election

In 1976, former Georgia Governor Jimmy Carter led incumbent President Gerald Ford by 1,682,970 votes nationwide. However, in the absence of Carter's lead of 7,322 popular votes in Hawaii and 11,116 in Ohio, Ford would have won in the Electoral College. Each of these 18,438 votes was 91 times more important than the 1,682,970 votes that constituted Carter's national-popular vote margin.

1968 election

The 1968 election was a three-way race in which segregationist Alabama Governor George Wallace received 13.5% of the national popular vote and carried five states with 45 electoral votes.[39]

Ultimately, former Vice President Richard Nixon led Vice President Hubert Humphrey by 510,645 popular votes nationwide. However, Humphrey would have won in the Electoral College in the absence of Nixon's lead of 20,488 popular votes in Missouri and 134,960 in Illinois.[40] Each of these 155,448 votes was three times more important than the 510,645 votes that constituted Nixon's national-popular vote margin.

In his 2016 book, *The Runner-Up Presidency*, Mark Weston describes how the 1968 election was almost thrown into Congress because of Wallace's third-party candidacy.[41]

1960 election

In 1960, Senator John F. Kennedy led Vice President Richard Nixon by 118,574 popular votes nationwide.[42] However, Nixon would have won in the Electoral College in the absence of Kennedy's lead of 8,858 popular votes in Illinois and 9,571 in South Carolina. Each of these 18,429 votes was six times more important than the 118,574 votes that constituted Kennedy's national-popular vote margin.[43]

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[39] Wallace received one additional electoral vote from a faithless Republican elector from North Carolina.

[40] Note that our table 1.4 is based on the popular-vote change in the *smallest* number of states needed to reverse the national outcome. For example, if three states are considered (instead of two), the 1968 election was decided by 106,063 votes (not 155,448). Specifically, the national outcome would have been reversed in the absence of Nixon's margin of 20,488 votes in Missouri, 24,314 in New Hampshire, and 61,261 in New Jersey.

[41] Weston, Mark. 2016. *The Runner-Up Presidency: The Elections That Defied American's Popular Will (and How Our Democracy Remains in Danger)*. Guilford, CT: Lyons Press. Pages 95–116.

[42] As explained in section 3.13 and section 9.30.12, neither Kennedy's nor Nixon's name appeared on the ballot in Alabama in 1960. The frequently quoted nationwide margin of 118,574 is the result of a widely used calculation that somewhat arbitrarily splits the popular vote cast for presidential electors.

[43] Greenfield, Jeff. 2024. How Kennedy Narrowly Defeated Nixon—and Why the Alternative History Would Have Been Devastating. *Politico*. February 4, 2024. https://www.politico.com/news/magazine/2024/02/04/1960-election-jfk-nixon-nuclear-war-00136763

1948 election

In 1948, incumbent President Truman led challenger New York Governor Thomas Dewey by 2,135,746 votes nationwide. However, in the absence of Truman's lead over Dewey of 17,865 popular votes in California and 7,107 in Ohio, Truman would have ended up with only 253 electoral votes. Because segregationist Strom Thurmond won 39 electoral votes, the presidential election would then have been thrown into the U.S. House. Each of the 24,972 votes that Truman received in California and Ohio was 85 times more important than the 2,135,746 votes that constituted Truman's national-popular vote margin.[44]

Truman's margin of 7,107 popular votes in Ohio was especially fraught in 1948, because an estimated 100,000 voters inadvertently spoiled their ballots because of the ballot's confusing design (Section 2.14).

1916 election

In 1916, incumbent President Woodrow Wilson led challenger Charles Evans Hughes by 579,024 votes nationwide.

Wilson went to bed on Election Night thinking he had lost to Hughes, but learned the next morning that he had won re-election by virtue of carrying California by 3,430 votes.

Hughes would have won in the Electoral College in the absence of Wilson's lead of 3,430 popular votes in California. Each of these 3,430 votes was 169 times more important than the 579,024 votes that constituted Wilson's national-popular-vote margin.[45,46]

1884 election

In 1884, Grover Cleveland led James G. Blaine by 66,670 votes nationwide. However, Blaine would have won in the Electoral College in the absence of Cleveland's lead of 1,047 popular votes in New York. Each of these 1,047 votes was 64 times more important than the 66,670 votes that constituted Cleveland's national-popular-vote margin.[47]

1860 election

In the four-way presidential contest of 1860, Republican Abraham Lincoln led his nearest competitor, Democratic Senator Stephen A. Douglas, by 485,706 popular votes nationwide—a margin of more than 10 percentage points.

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[44] For additional information, see Greenfield, Jeff. 2023. A Southern Rebellion in 1948 Almost Threw American Democracy into Disarray: The 1948 presidential election almost became a constitutional crisis. *Politico*. September 24, 2023. https://www.politico.com/news/magazine/2023/09/24/closest-calls-presidential-upset-1948-00114521

[45] Hughes' loss of California was attributed to his failure (perhaps accidental) to meet up with reformer Hiram Johnson, a candidate for Governor in the Republican primary, at a hotel where they were both staying. Gould, Lewis I. 2016. *The First Modern Clash over Federal Power: Wilson versus Hughes in the Presidential Election of 1916*. Lawrence, KS: University Press of Kansas. Pages 84–86 and footnote 49 on page 157. See also Greenfield, Jeff. 2023. The Closest Calls: How America Nearly Forged a Different Path in 1916: An accidental snub changed history. *Politico*. August 5, 2023. https://www.politico.com/news/magazine/2023/08/06/1916-election-hughes-wilson-00108288

[46] Greenfield, Jeff. 2023. The Closest Calls: How America Nearly Forged a Different Path in 1916: An accidental snub changed history. *Politico*. August 6, 2023. https://www.politico.com/news/magazine/2023/08/06/1916-election-hughes-wilson-00108288

[47] Ironically, Cleveland's narrow loss of this same critical state (New York) cost him re-election in 1888, despite his lead in the national popular vote.

Table 1.5 The 1860 election results

Candidate	Party	Popular votes	Electoral votes
Abraham Lincoln	Republican	**1,855,993**	180
Stephen A. Douglas	Northern Democratic	**1,381,944**	12
John C. Breckenridge	Southern Democratic	**851,844**	72
John Bell	Constitutional Union	**590,946**	39
Total		**4,680,727**	**303**

Lincoln won both the Electoral College and the national popular vote in 1860, as shown in table 1.5.[48]

Nonetheless, in the absence of Lincoln's lead of 50,136 popular votes in New York, Lincoln would not have received the constitutionally required absolute majority of the electoral votes, and the election would have been thrown into the U.S. House (with each state casting one vote).

Lincoln would almost certainly not have been elected President by the House. Under the constitutional provisions in effect at the time, the House elected two years earlier had power to select the President.[49] In the lame duck House, the Democrats controlled 17 of the 34 state delegations; the Republicans controlled 16; and the delegation from the slave state of Maryland was equally divided 3–3 between the Democratic Party and the Know-Nothing Party.[50] Thus, the U.S. House would almost certainly have been deadlocked.

Meanwhile, the choice of Vice President would have devolved upon the Senate. Under the Constitution, the Senate's choice for Vice President is limited to the two vice-presidential candidates who received the most electoral votes.

Although the Northern Democratic Douglas-Johnson ticket received considerably more popular votes than the southern Democratic Breckenridge-Lane ticket, it was the southern Democratic ticket that received the second largest number of electoral votes.

Thus, in the contingent election for Vice President, the Senate would have been forced to choose between Southern Democratic vice-presidential nominee Joseph Lane and Republican vice-presidential nominee Hannibal Hamlin. Given the composition of the Senate at the time, the Senate almost certainly would have chosen Lane.[51] Given that the House probably would have deadlocked on the choice of President, Southern Democratic vice-presidential nominee Lane would have become Acting President.

In the 1860 presidential election, each of Lincoln's 50,136 votes in New York was 10 times more important than the 485,706 votes that constituted Lincoln's national-popular-vote margin.

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[48] See table 9.31 for the state-by-state election returns for 1860.

[49] Under the 20th Amendment (ratified in 1933), the newly elected House (instead of the lame duck House) would select the President if the election is ever thrown into the House.

[50] *Wikipedia*. 1858–59 United States House of Representatives elections. Accessed April 9, 2023. https://en.wikipedia.org/wiki/1858%E2%80%9359_United_States_House_of_Representatives_elections

[51] Long, David. 2004. David Long on the Election of 1860. Ninth Annual Lincoln Forum. First aired on C-SPAN on December 27, 2004. https://www.c-span.org/video/?184446-2/david-long-election-1860

1856 election

In 1856, Democrat James Buchanan led John C. Fremont (the nominee of the newly created Republican Party) by 493,727 votes nationwide. However, Fremont would have won in the Electoral College in the absence of Buchanan's lead of 1,729 popular votes in Delaware, 9,253 in Illinois, and 24,295 in Indiana.

Each of these 35,277 votes was 14 times more important than the 493,727 votes that constituted Buchanan's national-popular-vote margin.

1848 election

In 1848, Zachary Taylor led Lewis Cass by 137,933 votes nationwide. However, in the absence of Taylor's lead of 13,544 popular votes in Pennsylvania, Cass would have won in the Electoral College.

Each of these 13,544 votes was 10 times more important than the 137,933 votes that constituted Taylor's national-popular-vote margin.

1844 election

In 1844, James K. Polk led Henry Clay by 39,490 votes nationwide. However, in the absence of Polk's lead of 5,106 popular votes in New York, Clay would have won in the Electoral College. Each of these 5,106 votes was eight times more important than the 39,490 votes that constituted Polk's national-popular-vote margin.

1836 election

In 1836, Martin Van Buren led William Henry Harrison by 213,360 votes nationwide. However, in the absence of Van Buren's lead of 28,247 popular votes in New York, Harrison would have won in the Electoral College. Each of these 28,247 votes was eight times more important than the 213,360 votes that constituted Van Buren's national-popular-vote margin.

1.2. VOTERS IN THREE OUT OF FOUR STATES HAVE BEEN REGULARLY IGNORED IN THE GENERAL-ELECTION CAMPAIGN FOR PRESIDENT—AND IT'S GETTING WORSE.

Virtually all general-election campaigning in the first six presidential elections of the 2000s occurred in the dozen-or-so states where support for the two leading candidates was within eight percentage points or less—that is, where the two-party vote was in the narrow eight-percentage-point range between 46% and 54%.

The reason why general-election campaigns for President are so highly concentrated is that one candidate receives all of a given state's electoral votes under the winner-take-all method of awarding electoral votes.

In their pursuit of electoral votes, presidential candidates have no reason to spend time, money, or effort soliciting votes in states where they are safely ahead or hopelessly behind.

Instead, candidates concentrate their campaigns on states where the outcome is close and uncertain—that is, in states where they might possibly win or lose electoral votes.

Most people who follow politics know that the general-election campaign for President is concentrated in a handful of closely divided battleground states. However, many people are not aware of how extreme this concentration is.

As Wisconsin Governor Scott Walker said while running for President in 2015:

> "The nation as a whole is not going to elect the next president. Twelve states are."[52]

Walker also observed:

> "Let's be honest.… You're not running for President—you're running for Governor in twelve states, and it just happens to be a presidential election."[53]

At a fund-raising dinner in Florida in 2012, Republican presidential nominee Mitt Romney noted the geographically limited scope of presidential campaigns:

> "All the money will be spent in 10 states, and this is one of them."[54]

Conversely, presidential candidates pay almost no attention to the concerns of voters in states that are not closely divided. In fact, presidential campaigns do not even bother to poll public opinion in spectator states, because those voters simply are not relevant to winning.

As Charlie Cook reported in 2004:

> "Senior Bush campaign strategist Matthew Dowd pointed out yesterday that the Bush campaign **hadn't taken a national poll in almost two years**; instead, it has been polling 18 battleground states."[55,56] [Emphasis added]

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[52] CNBC. 2015. 10 questions with Scott Walker. Speakeasy. September 1, 2015. Transcript of interview of Scott Walker by John Harwood https://www.cnbc.com/2015/09/01/10-questions-with-scott-walker.html. Video of quote is at timestamp 1:26 at https://www.youtube.com/watch?v=nNZp1g8oUOI. The full quotation is, "The nation as a whole is not going to elect the next president. Twelve states are. Wisconsin's one of them. I'm sitting in another one right now, New Hampshire. There's going to be Colorado, where I was born, Iowa, where I lived, Ohio, Florida, a handful of other states. In total, it's about 11 or 12 states that are going elect the next president."

[53] Quoted in Morrissey, Ed. 2016. *Going Red: The Two Million Voters Who Will Elect the Next President*. New York, NY: Crown Forum. Page 7.

[54] Video clip at https://youtu.be/tDk28e0fs9k. C-SPAN. 2012. Mitt Romney Fundraising Comments on Video in Boca Raton. *Road to the White House*. May 17, 2012. http://www.c-span.org/video/?308283-1/mitt-romney-fundraising-comments-video-boca-raton. This fund-raising dinner in Florida was the same one where Romney famously spoke about "the 47%." See also Corn, David. 2012. Secret Video: Romney Tells Millionaire Donors What He REALLY Thinks of Obama Voters. *Mother Jones*. September 17, 2012. https://www.motherjones.com/politics/2012/09/secret-video-romney-private-fundraiser/. Also see Full Transcript of the Mitt Romney Secret Video. *Mother Jones*. September 17, 2012. https://www.motherjones.com/politics/2012/09/full-transcript-mitt-romney-secret-video/. The full quotation is "Advertising makes a difference, and the president will engage in a personal character assassination campaign. And so we'll have to fire back one, in defense, and No. 2, in offense.… Florida will be one of those states that is the key state. And so all the money will get spent in 10 states, and this is one of them."

[55] Cook, Charlie. 2004. Convention dispatches—As the nation goes, so do swing states. *Cook's Political Report*. August 31, 2004.

[56] Kerry similarly pursued an 18-state strategy in 2004.

Kellyanne Conway, Trump's campaign manager in 2016, said:

> "When I took over as campaign manager in 2016, **we did zero—let me repeat the number—zero national polls**."[57] [Emphasis added]

Former White House Press Secretary Ari Fleischer summarized the importance of the closely divided battleground states by saying in 2009:

> "**If people don't like it, they can move from a safe state to a swing state** and see their president more."[58] [Emphasis added]

Although there is no precise definition of a "battleground state" in a general-election campaign for President, those states can be readily identified by observing:

- where the presidential and vice-presidential candidates spend their time campaigning,
- where they spend their money advertising (which usually closely parallels visits),
- where they conduct polls and focus groups to ascertain public opinion,
- where they organize their supporters to make door-to-door contact with voters and execute other elements of what is commonly called the "ground game,"
- where their family, supportive officeholders, celebrities, and other surrogates make campaign appearances,
- where they have fashioned policy positions that cater to particular states—sometimes contrary to the principles that they, or their party, have previously advocated, and
- where they open campaign offices for purposes other than raising money.

Political polls with a sample of about 800 respondents generally have a margin of error of approximately plus or minus 4%. Thus, another way to identify battleground states is that they are the states where the difference between the candidates is inside the margin of error of a typical political poll—that is, where the outcome is uncertain. In fact, the 19th-century term for battleground states was "doubtful states."

1.2.1. 2020 election

In 2020, three-quarters of the states and 69% of the nation's population were ignored in the 2020 presidential campaign.

Specifically, almost all (96%) of the 2020 general-election campaign events by the presidential and vice-presidential candidates occurred in 12 states where the Republican percentage of the final two-party presidential vote was in in the range of 46%–54%.

Figure 1.9 shows the number of general-election campaign events for each state by the presidential and vice-presidential candidates of the two major parties.[59]

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[57] Swain, Susan. 2022. Q&A Interview of Elliott Morris. *Q&A*. July 6, 2022. Timestamp 5:52. https://www.c-span.org/video/?521497-1/qa-elliott-morris

[58] *Washington Post*. June 21, 2009.

[59] This map of general-election campaign events for the major-party presidential and vice-presidential candidates (and other similar maps and tables in this book for the 2020, 2016, 2012, and 2008 elections) is based on a database created by FairVote (https://www.FairVote.org). The "general election" campaign period refers to the period starting on the day after the end of the later-to-occur major-party convention and ending
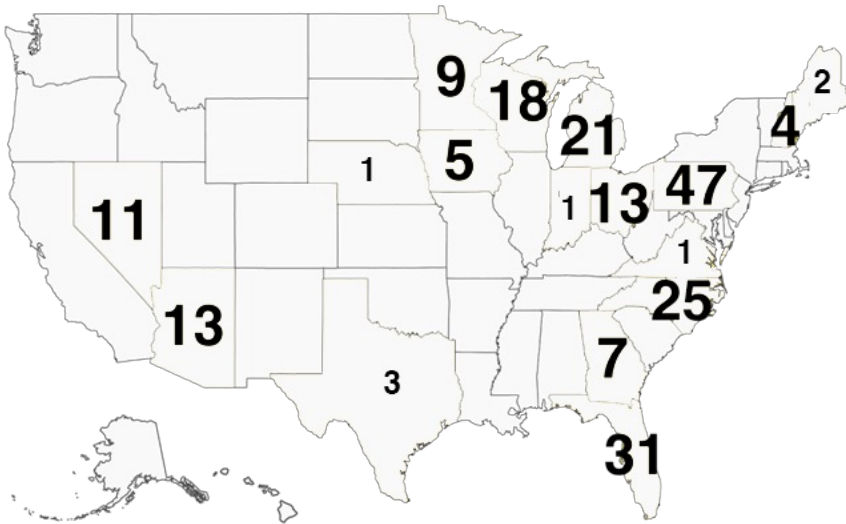
Figure 1.9 Number of general-election campaign events in 2020

The 12 larger numbers on the map together account for the 204 events (out of 212) that took place in the battleground states. The five smaller numbers together account for the eight scattered events that took place elsewhere.

Table 1.6 summarizes the 2020 presidential campaign. It shows, by state, the Republican percentage of the two-party popular vote, the number of general-election campaign events by the major-party presidential and vice-presidential candidates, the number of popular votes that they received, their popular vote margin, and their electoral-vote margin.[60,61]

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on Election Day. FairVote's definition of a "general-election campaign event" includes only *public* campaign events (e.g., public speeches, meetings, rallies) aimed at a state's electorate. Thus, the count does not include an in-and-out visit to a state solely to participate in a private fund-raising event; a nationally televised debate, townhall, interview; a speech to an organization's national convention; non-campaign events (e.g., the Al Smith Dinner in New York City); private meetings (e.g., campaign planning meetings); or an appearance in Washington, D.C., that is part of the candidate's current governmental position. Each event held at a different time and place within a given state is counted as a separate event. A joint appearance of both the presidential and vice-presidential candidate is counted as one event. The FairVote database for 2020 is at https://docs.google.com/spreadsheets/d/1oR_x3wGpFi1wO2V0BNMV529s_V-AgGH7tKd66DD7rrM/edit#gid=2025398596

[60] In 2020, Biden's nationwide margin was 7,052,711. This table does not include 2,740,538 votes cast for other candidates (bringing the total national popular vote to 158,224,999). In Maine, Trump won one electoral vote by carrying the 2nd congressional district (northern part of the state) with 54%. In Nebraska, Biden won one electoral vote by carrying the 2nd congressional district (Omaha area) with 53%. The election results are from 2020 Certificates of Ascertainment. The campaign event information is from FairVote at https://docs.google.com/spreadsheets/d/1oR_x3wGpFi1wO2V0BNMV529s_V-AgGH7tKd66DD7rrM/edit#gid=2025398596

[61] Statistics about the first six presidential elections of the 2000s are presented in several different ways in this book. For example, table 1.6 in section 1.2 shows each state's general-election campaign events, the Republican two-party percentage, each major-party's popular vote, each major-party's popular-vote margin, and the number of electoral votes won by each party. Table 4.14 in section 4.2 shows the number of popular votes for the two major-party candidates, the votes for the most significant minor-party candidates, and the combined vote total for all other minor-party candidates, write-ins, and "none of the above" votes from Nevada.

Table 1.6 Distribution of 2020 campaign events

R Percent	Events	State	Trump	Biden	R-Margin	D-Margin	R-EV	D-EV
72%		Wyoming	193,559	73,491	120,068		3	
70%		West Virginia	545,382	235,984	309,398		5	
67%		North Dakota	235,595	114,902	120,693		3	
67%		Oklahoma	1,020,280	503,890	516,390		7	
66%		Idaho	554,119	287,021	267,098		4	
64%		Arkansas	760,647	423,932	336,715		6	
63%		South Dakota	261,043	150,471	110,572		3	
63%		Kentucky	1,326,646	772,474	554,172		8	
63%		Alabama	1,441,170	849,624	591,546		9	
62%		Tennessee	1,852,475	1,143,711	708,764		11	
61%		Utah	865,140	560,282	304,858		6	
60%	1	Nebraska	556,846	374,583	182,263		4	1
59%		Louisiana	1,255,776	856,034	399,742		8	
58%		Montana	343,602	244,786	98,816		3	
58%		Mississippi	756,764	539,398	217,366		6	
58%	1	Indiana	1,729,516	1,242,413	487,103		11	
58%		Missouri	1,718,736	1,253,014	465,722		10	
57%		Kansas	771,406	570,323	201,083		6	
56%		South Carolina	1,385,103	1,091,541	293,562		9	
55%		Alaska	189,951	153,778	36,173		3	
54%	5	Iowa	897,672	759,061	138,611		6	
54%	13	Ohio	3,154,834	2,679,165	475,669		18	
53%	3	Texas	5,890,347	5,259,126	631,221		38	
52%	31	Florida	5,668,731	5,297,045	371,686		29	
51%	25	North Carolina	2,758,775	2,684,292	74,483		15	
50%	7	Georgia	2,461,854	2,473,633		11,779		16
50%	13	Arizona	1,661,686	1,672,143		10,457		11
50%	18	Wisconsin	1,610,184	1,630,866		20,682		10
49%	47	Pennsylvania	3,377,674	3,458,229		80,555		20
49%	11	Nevada	669,890	703,486		33,596		6
49%	21	Michigan	2,649,852	2,804,040		154,188		16
46%	9	Minnesota	1,484,065	1,717,077		233,012		10
46%	4	New Hampshire	365,660	424,937		59,277		4
45%	2	Maine	360,737	435,072		74,335	1	3
45%	1	Virginia	1,962,430	2,413,568		451,138		13
44%		New Mexico	401,894	501,614		99,720		5
43%		Colorado	1,364,607	1,804,352		439,745		9
42%		New Jersey	1,883,274	2,608,335		725,061		14
42%		Oregon	958,448	1,340,383		381,935		7
41%		Illinois	2,446,891	3,471,915		1,025,024		20
40%		Delaware	200,327	295,933		95,606		3
40%		Washington	1,584,651	2,369,612		784,961		12
40%		Connecticut	714,717	1,080,831		366,114		7
39%		Rhode Island	199,922	307,486		107,564		4
38%		New York	3,244,798	5,230,985		1,986,187		29
35%		California	6,006,429	11,110,250		5,103,821		55
35%		Hawaii	196,864	366,130		169,266		4
33%		Maryland	976,414	1,985,023		1,008,609		10
33%		Massachusetts	1,167,202	2,382,202		1,215,000		11
32%		Vermont	112,704	242,820		130,116		3
6%		D.C.	18,586	317,323		298,737		3
48%	212	Total	74,215,875	81,268,586		7,052,711	232	306

- Column 1 of the table shows the Republican percentage of the two-party popular vote in each state. The table is sorted in order of the Republican percentage of the state's popular vote—with Wyoming at the top. The closely divided battleground states (in bold) are found in the middle of the table. The Democratic states are found at the bottom.
- Column 2 shows each state's number of 2020 general-election campaign events (out of a nationwide total of 212).[62] The count of general-election campaign events started on the day after the end of the later major-party nominating convention and ended on Election Day.[63]
- Columns 4 and 5 show, respectively, incumbent President Trump's and former Vice President Biden's popular votes.[64]
- Columns 6 and 7 show, respectively, the popular vote margin of each state's winner.
- Columns 8 and 9 show, respectively, the number of electoral votes received by Trump and Biden from each state.[65]

As can be seen from the middle portion of this table, almost all of the general-election campaign events (204 of the 212 events shown in column 2) were concentrated in 12 states where the Republican share of the two-party vote was in the narrow eight-percentage-point range between 46% and 54% (column 1).

However, even these numbers understate the degree to which presidential campaigns are concentrated.

Among these 12 all-important battleground states, some were vastly more important than others.

Indeed, two-thirds of the campaigning was concentrated in the states where the race was within *two percentage points*.

Pennsylvania (which ended up as 51% Democratic and 49% Republican) received the most general-election campaign events of any state in 2020. Pennsylvania's 47 events constituted almost a quarter (22%) of the nationwide total of 212 events—even though the state has only 4% of the nation's population.

In fact, two thirds of the events (142 of 212) were focused on the seven states where the race was within *two percentage points*:

- Pennsylvania–47 events
- North Carolina–25 events
- Michigan–21 events

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[62] Because of the COVID pandemic, the total number of general-election campaign events in 2020 was considerably smaller than other recent elections—only 212. This compares to 399 in 2016 and 253 in 2012.

[63] In 2020, this period started on August 28—the day after the end of the Republican National Convention in Cleveland. Election Day in 2020 was November 3.

[64] The information for this table is from 2020 Certificates of Ascertainment at the National Archives website at https://www.archives.gov/electoral-college/2020?_ga=2.79064146.774453085.1607395607-1857190428.160 6759205

[65] Note that Maine and Nebraska award all but two of their electoral votes by congressional district. In Maine, Trump won one electoral vote by carrying the 2nd congressional district (the northern part of the state) with 54%. In Nebraska, Biden won one electoral vote by carrying the 2nd congressional district (the Omaha area) with 53%.

- Wisconsin–18 events
- Arizona–13 events
- Nevada–11 events
- Georgia–7 events

In 2020, Biden carried six of these seven states, and they decided the presidency:

- Michigan–51% Democratic
- Nevada–51% Democratic
- Pennsylvania–51% Democratic
- Wisconsin–50% Democratic
- Arizona–50% Democratic
- Georgia–50% Democratic
- North Carolina–51% Republican

Similarly, in 2016, Trump carried six of these seven states on his way to winning the White House.

As previously mentioned, only eight of the 212 general-election campaign events in 2020 occurred outside the dozen battleground states.

Although those eight scattered events might, at first glance, seem like outliers or exceptions to the general rule, they were not.

In fact, those eight remaining events are a reminder of how meticulously presidential campaigns ration out their most valuable resource, namely the time of their presidential and vice-presidential nominees (and the millions of dollars that are spent in tandem with every general-election campaign event).

- **Nebraska and Maine:** Three of the eight seeming outlier events took place in the two states that award electoral votes by congressional district, namely Nebraska and Maine. Neither of these states is a battleground at the state level. Neither presidential candidate bothered to campaign broadly in these states. Instead, Biden visited Nebraska's closely divided 2nd congressional district (the Omaha area). On Election Day, Biden won one electoral vote by carrying that district with 53% of the two-party vote. Meanwhile, Biden lost Nebraska's other two congressional districts (as well as the statewide vote) in a landslide. Similarly, Trump visited Maine's closely divided 2nd congressional district (the northern part of the state). Trump won one electoral vote by carrying that district with 54% of the two-party vote. Meanwhile, Trump lost Maine's other congressional district (and statewide). These surgical visits to enclaves in Nebraska and Maine illustrate the fact that presidential candidates will go anywhere—even to an isolated congressional district—if they think that they might win just one electoral vote. Meanwhile, no candidate visited Nebraska's 1st district (which Trump won with 58%) or 3rd district (which Trump won with 77%)—each of which, of course, has almost exactly the same number of people as Nebraska's 2nd district. Likewise, no candidate visited Maine's 1st district (which Biden won with 62%). Biden's and Trump's visits to these particular two congressional districts is a reminder that voters are politically relevant to presidential candidates only if they live in a place where a candidate has the prospect of winning or losing one or more electoral votes.

- **Adjacent State Campaigning:** One general-election campaign event took place in Newport News, Virginia—even though Virginia was not a closely divided battleground state in 2020. The headline in *Politico* about this visit explains the rationale behind this isolated event in Virginia: "Trump schedules rally in Virginia to reach rural North Carolina."[66] Trump visited Newport News because its media market extends into several counties of the hotly contested battleground state of North Carolina. Neither party conducted any other general-election campaign events in Virginia in 2020—another indication that this isolated campaign in Virginia was directed toward North Carolina. Note that in 2016, 2012, and 2008, Virginia was a closely divided battleground state and received considerable attention (23, 36, and 23 events, respectively). Professor Stephen J. Farnsworth of the University of Mary Washington in Virginia and Emily Hemphill described Virginia's status as a "jilted battleground" in the *Richmond Times-Dispatch* as follows:

  "Thanks to the Electoral College and to shifting partisan loyalties, **Virginia enjoyed being 'the belle of the ball' for three straight presidential elections**: 2008, 2012 and 2016. During those years, Old Dominion voters found themselves frequently courted by presidential and vice-presidential candidates. **But as quickly as those suitors came, they left.** In 2020, Virginia did not enjoy comparable attention from presidential candidates, as both parties viewed the Commonwealth as no longer all that competitive. Virginia's brief time as a purple state meant that we temporarily stood with Michigan, Pennsylvania and Florida as places that really mattered to presidential candidates."[67] [Emphasis added]

- **Last-Minute Opportunity:** It is not unusual to see presidential campaigns allocate a few last-minute campaign events in a long-shot effort to achieve a surprise result. The political makeup of Texas has been gradually shifting in recent presidential elections. The two-party vote in Texas was 62% Republican in 2004, 58% in 2012, 55% in 2016, and 53% in 2020. As a result, Democratic vice-presidential nominee Kamala Harris made three general-election campaign stops on a single day near the end of the campaign (October 30, 2020). Despite Harris' three last-minute visits to Texas, the Republican ticket did not take the bait and join the battle. They nonetheless won Texas. Similarly, Donald Trump and Mike Pence made three last-minute visits to New Mexico in 2016. Neither Hillary Clinton nor Tim Kaine responded, and they nonetheless carried the state. Similarly, in 2012, Mitt Romney and Paul Ryan conducted five events in Pennsylvania, but neither President Obama nor Vice President Biden bothered to visit the state. They nevertheless carried the state.

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[66] Isenstadt, Alex. 2020. Trump schedules rally in Virginia to reach rural North Carolina. Politico. September 22, 2020. https://www.politico.com/news/2020/09/22/trump-rally-virginia-rural-north-carolina-419911

[67] Farnsworth, Stephen J. and Hemphill, Emily. 2022. Sorry, Virginia, we're stuck with the Electoral College. *Richmond Times-Dispatch.* November 21, 2022. https://richmond.com/opinion/columnists/column-sorry-virginia-we-re-stuck-with-the-electoral-college/article_36a7bfed-84fd-55e1-9199-2c3da275fc3a.html

Table 1.7 The 2020 battleground states contained 31% of the nation's population

R-percent	Campaign events	State	Trump	Biden	Population
54%	5	Iowa	897,672	759,061	3,190,369
54%	13	Ohio	3,154,834	2,679,165	11,799,448
52%	31	Florida	5,668,731	5,297,045	21,538,187
51%	25	North Carolina	2,758,775	2,684,292	10,439,388
50%	7	Georgia	2,461,854	2,473,633	10,711,908
50%	13	Arizona	1,661,686	1,672,143	7,151,502
50%	18	Wisconsin	1,610,184	1,630,866	5,893,718
49%	47	Pennsylvania	3,377,674	3,458,229	13,002,700
49%	11	Nevada	669,890	703,486	3,104,614
49%	21	Michigan	2,649,852	2,804,040	10,077,331
46%	9	Minnesota	1,484,065	1,717,077	5,706,494
46%	4	New Hampshire	365,660	424,937	1,377,529
50%	**204**	**Total**	**26,760,877**	**26,303,974**	**103,993,188**

- **Home-State Campaigning:** In the past, home-state campaigning was far more prominent than it is today. For example, President George W. Bush conducted eight general-election campaign events in Texas in 2004 even though there was no doubt that he would carry the state. In 2020, only one general-election campaign event (out of 212 events nationally) took place in a candidate's home state. Although Indiana was not a closely divided battleground state in 2020, Vice President Mike Pence was the state's former Governor and sought to support the gubernatorial campaign of his successor, Eric Holcomb. The result was a general-election campaign event that the *Indianapolis Star* characterized as "an unusual campaign stop this close to the election."[68] As the *Star* noted, the location chosen for the event (Fort Wayne) was near the Ohio border; the event was held in an airport hangar, thereby minimizing Pence's time on the ground in Indiana and enabling him to make a quick getaway to a campaign event in the battleground state of Michigan.

Only 31% of the nation's population of 331,449,281 (2020 census) lived in the 12 battleground states of 2020, as shown in table 1.7.

In summary, three-quarters of the states and 69% of the nation's population were ignored by the 2020 presidential campaign.

1.2.2. 2016 election

In 2016, three-quarters of the states and 70% of the nation's population were ignored by the 2020 presidential campaign.

Almost all (94%) of the 2016 general-election campaign events (375 of 399) occurred in the 12 states where the Republican percentage of the final two-party presidential vote was in the narrow eight-percentage-point range between 47% and 55%.

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[68] Lange, Kaitlin. 2020. Five takeaways from Vice President Mike Pence's Fort Wayne visit. *Indianapolis Star*. October 22, 2020. https://www.indystar.com/story/news/politics/2020/10/22/mike-pence-fort-wayne-visit-5-t akeaways-his-campaign-speech/3731210001/
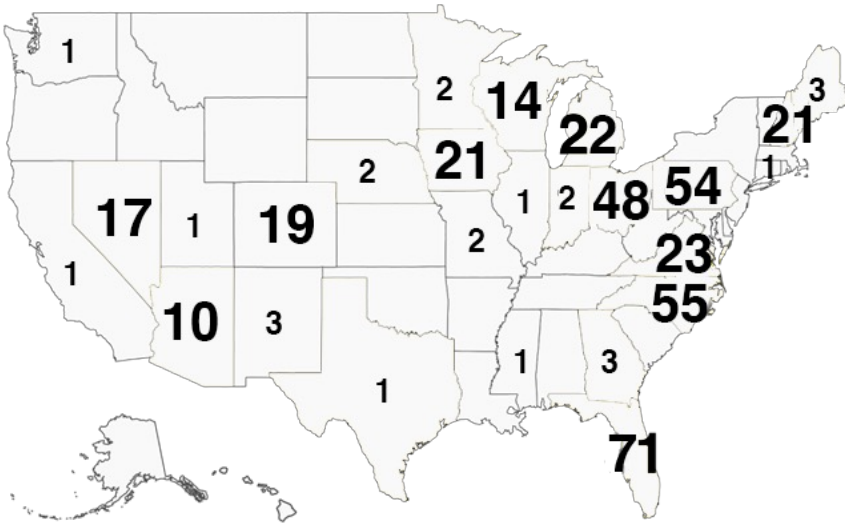
Figure 1.10 Number of general-election campaign events in 2016

Figure 1.10 shows the number of general-election campaign events for each state in 2016. The 12 large numbers on the map together account for the 375 events that took place in the dozen battleground states. The smaller numbers together account for 24 scattered events (6% of the total) that took place elsewhere.

Table 1.8 shows, for each state, the Republican percentage of the two-party popular vote, the number of general-election campaign events in 2016 conducted by the major-party presidential and vice-presidential candidates, the number of popular votes that they received, their popular vote margin, and their electoral-vote margin.[69]

As can be seen in the table, Florida received the most general-election campaign events of any state. Its 71 events constituted 18% of the nationwide total of 399 events.

Almost four-fifths (79%) of all the campaign events (315 of 399) took place in eight states:

- Florida–71 events
- North Carolina–55 events
- Pennsylvania–54 events
- Ohio–48 events
- Virginia–23 events
- Michigan–22 events
- Iowa–21 events
- New Hampshire–21 events

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[69] This table does not include 8,286,698 votes cast for candidates other than the major-party nominees (bringing the total national popular vote to 137,125,484). The electoral votes in columns 8 and 9 do not reflect grand-standing votes cast on December 19, 2016, in the Electoral College by faithless electors from Colorado, Washington State, and Texas. In Maine, Donald Trump won one electoral vote by carrying the 2nd congressional district (in the northern part of the state). Election results from David Leip's *Atlas of U.S. Presidential Elections*. Campaign event data is from FairVote at https://docs.google.com/spreadsheets/d/14Lxw0vc4YBUwQ8cZouyewZvOGg6PyzS2mArWNe3iJcY/edit#gid=0

Table 1.8 Distribution of 2016 campaign events

R-Percent	Events	State	Trump	Clinton	R-Margin	D-Margin	R-EV	D-EV
76%	0	Wyoming	174,419	55,973	118,446		3	
72%	0	West Virginia	489,371	188,794	300,577		5	
70%	0	North Dakota	216,794	93,758	123,036		3	
69%	0	Oklahoma	949,136	420,375	528,761		7	
68%	0	Idaho	409,055	189,765	219,290		4	
66%	0	South Dakota	227,721	117,458	110,263		3	
66%	0	Kentucky	1,202,971	628,854	574,117		8	
64%	0	Alabama	1,318,255	729,547	588,708		9	
64%	0	Arkansas	684,872	380,494	304,378		6	
64%	0	Tennessee	1,522,925	870,695	652,230		11	
64%	2	Nebraska	495,961	284,494	211,467		5	
62%	1	Utah	515,231	310,676	204,555		6	
61%	0	Kansas	671,018	427,005	244,013		6	
61%	0	Montana	279,240	177,709	101,531		3	
60%	0	Louisiana	1,178,638	780,154	398,484		8	
60%	2	Indiana	1,557,286	1,033,126	524,160		11	
60%	2	Missouri	1,594,511	1,071,068	523,443		10	
59%	1	Mississippi	700,714	485,131	215,583		6	
58%	0	Alaska	163,387	116,454	46,933		3	
57%	0	South Carolina	1,155,389	855,373	300,016		9	
55%	**21**	**Iowa**	**800,983**	**653,669**	**147,314**		**6**	
55%	1	Texas	4,685,047	3,877,868	807,179		38	
54%	**48**	**Ohio**	**2,841,006**	**2,394,169**	**446,837**		**18**	
53%	3	Georgia	2,089,104	1,877,963	211,141		16	
52%	**55**	**North Carolina**	**2,362,631**	**2,189,316**	**173,315**		**15**	
52%	**10**	**Arizona**	**1,252,401**	**1,161,167**	**91,234**		**11**	
51%	**71**	**Florida**	**4,617,886**	**4,504,975**	**112,911**		**29**	
50%	**14**	**Wisconsin**	**1,405,284**	**1,382,536**	**22,748**		**10**	
50%	**54**	**Pennsylvania**	**2,970,733**	**2,926,441**	**44,292**		**20**	
50%	**22**	**Michigan**	**2,279,543**	**2,268,839**	**10,704**		**16**	
49.8%	**21**	**New Hampshire**	**345,790**	**348,526**		**2,736**		**4**
49%	2	Minnesota	1,323,232	1,367,825		44,593		10
49%	**17**	**Nevada**	**512,058**	**539,260**		**27,202**		**6**
48%	3	Maine	335,593	357,735		22,142	1	3
47%	**19**	**Colorado**	**1,202,484**	**1,338,870**		**136,386**		**9**
47%	**23**	**Virginia**	**1,769,443**	**1,981,473**		**212,030**		**13**
45%	3	New Mexico	319,667	385,234		65,567		5
44%	0	Delaware	185,127	235,603		50,476		3
44%	0	Oregon	782,403	1,002,106		219,703		7
43%	1	Connecticut	673,215	897,572		224,357		7
43%	0	New Jersey	1,601,933	2,148,278		546,345		14
42%	0	Rhode Island	180,543	252,525		71,982		4
41%	1	Washington	1,221,747	1,742,718		520,971		12
41%	1	Illinois	2,146,015	3,090,729		944,714		20
38%	0	New York	2,819,557	4,556,142		1,736,585		29
36%	0	Maryland	943,169	1,677,928		734,759		10
35%	0	Massachusetts	1,090,893	1,995,196		904,303		11
35%	0	Vermont	95,369	178,573		83,204		3
34%	1	California	4,483,814	8,753,792		4,269,978		55
33%	0	Hawaii	128,847	266,891		138,044		4
4%	0	D.C.	12,723	282,830		270,107		3
49%	**399**		**62,985,134**	**65,853,652**			**306**	**232**

Even the 24 scattered general-election campaign events (out of 399) that took place outside the 12 closely divided battleground states demonstrate how carefully presidential campaigns parcel out their nominee's time. There is a reason for each.

- **Nebraska and Maine:** Five events occurred in Maine and Nebraska. These states award electoral votes by congressional district, and each has one competitive district.

- **Adjacent State Campaigning:** Even though Illinois was not a closely divided state in 2016, one general-election campaign event took place in Illinois in 2016. The event was a Labor Day picnic held at a large park in Hampton, Illinois—across the Mississippi River from Davenport, Iowa. Although the event physically occurred in Illinois, it was targeted at voters in closely divided Iowa. Neither party conducted any other general-election campaign events anywhere else in Illinois in 2016. In fact, this was the only event in Illinois out of 1,164 general-election campaign events between 2008 and 2020. This event was the analog of Trump's visit to Newport News, Virginia in 2020.

- **Fire-Engine Visit:** Vice-presidential nominee Mike Pence's visit to Utah on October 26 was occasioned by a poll raising the possibility that Utah resident and independent conservative presidential candidate Evan McMullin might attract enough Republican votes to endanger Trump's anticipated win in Utah. In the end, McMullin received 21% of the state's vote, and the Trump-Pence ticket prevailed with 45% of the state's vote (compared to 75% for the Republican ticket in 2012). In 2004, a poll showing the race in Hawaii within one percentage point occasioned a similar hurried trip by Vice President Dick Cheney (and Kerry surrogates such as Al Gore and Alexandra Kerry).[70]

- **Last-Minute Opportunity:** Toward the end of the 2016 campaign, polls showed that Gary Johnson (a former Republican New Mexico Governor who was running as the Libertarian Party's national nominee) might attract enough votes to shift his home state into the Republican column. Accordingly, Pence made last-minute visits to New Mexico on October 20 and November 2, and Trump did so on October 30. Hillary Clinton and Tim Kaine did not respond, but nonetheless carried the state. Similarly, toward the end of the campaign, Trump conducted one last-minute event in Minnesota on November 6, and Pence held a follow-up event on November 7. Clinton and Kaine did not join the battle, but nevertheless carried the state.

- **Teething Problems:** At the very beginning of the 2016 general-election campaign, Trump (who had never previously run for public office) held rallies in four distinctly noncompetitive states, namely Connecticut (August 13), Texas (August 23), Mississippi (August 24), and Washington State (August 30). Vice-presidential nominee Mike Pence conducted one campaign event in California on September 8, two in Missouri on September 6, and three in Georgia (on August 29 and 30). These visits early in the campaign occasioned an outpouring of bafflement and criticism from seasoned campaign consultants and observers.

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[70] Borreca, Richard. 2004. Cheney, Gore headed here. *Starbulletin*. October 29, 2004. https://archives.starbulletin.com/2004/10/29/news/story1.html

Table 1.9 The battleground states of 2016 had 30% of the nation's population

R-percent	Campaign events	State	Trump	Clinton	Population
55%	21	Iowa	800,983	653,669	3,053,787
54%	48	Ohio	2,841,006	2,394,169	11,568,495
52%	55	North Carolina	2,362,631	2,189,316	9,565,781
52%	10	Arizona	1,252,401	1,161,167	6,412,700
51%	71	Florida	4,617,886	4,504,975	18,900,773
50%	14	Wisconsin	1,405,284	1,382,536	5,698,230
50%	54	Pennsylvania	2,970,733	2,926,441	12,734,905
50%	22	Michigan	2,279,543	2,268,839	9,911,626
49.8%	21	New Hampshire	345,790	348,526	1,321,445
49%	17	Nevada	512,058	539,260	2,709,432
47%	19	Colorado	1,202,484	1,338,870	5,044,930
47%	23	Virginia	1,769,443	1,981,473	8,037,736
51%	**375**	**Total**	**22,360,242**	**21,689,241**	**94,959,840**

In an August 23 article entitled "Trump Gets More Serious about Battleground States," *Politico* reported:

> **"Some Republicans have been scratching their heads lately over Trump's campaign schedule, which had been heavy on red states and relatively light on those states that could prove decisive on Election Day."**

> "The campaign on Tuesday rolled out a revamped schedule, making sure to emphasize—twice—that Trump is focusing on battleground states."[71] [Emphasis added]

- **Home-State Campaigning:** Mike Pence conducted two general-election campaign events in his home state of Indiana in 2016. Prior to his selection as the Republican vice-presidential nominee, Pence had been running for re-election as Governor of Indiana. Pence's appearance in Indiana bolstered the campaign of Eric Holcombe, the party's replacement candidate.

Only 30% of the nation's population of 308,745,538 people (2010 census) lived in the 12 battleground states of 2016, as shown in table 1.9.

1.2.3. 2012 election

In 2012, *all* of the 253 general-election campaign events occurred in the 12 states where the Republican percentage of the final two-party presidential vote was in the narrow six-percentage-point range between 45% and 51%.

Table 1.10 shows, for each state, the Republican percentage of the two-party popular vote, the number of general-election campaign events in 2012 by the presidential and vice-presidential candidates of the two major parties, the number of popular votes that they received, their popular vote margin, and their electoral-vote margin.[72]

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[71] Gass, Nick. 2016. Trump gets more serious about battleground states. *Politico*. August 23, 2016. https://www.politico.com/story/2016/08/trump-battleground-states-schedule-227318

[72] In 2012, Obama's nationwide margin was 4,983,775. This table does not include 2,232,223 votes cast for candidates other than the major-party nominees (bringing the total national popular vote for President to

Table 1.10 Distribution of 2012 campaign events

R-Percent	Events	State	Romney	Obama	R-Margin	D-Margin	R-EV	D-EV
75%	0	Utah	740,600	251,813	488,787		6	
71%	0	Wyoming	170,962	69,286	101,676		3	
67%	0	Oklahoma	891,325	443,547	447,778		7	
66%	0	Idaho	420,911	212,787	208,124		4	
64%	0	WV	417,584	238,230	179,354		5	
62%	0	Arkansas	647,744	394,409	253,335		6	
62%	0	Kentucky	1,087,190	679,370	407,820		8	
61%	0	Alabama	1,255,925	795,696	460,229		9	
61%	0	Kansas	692,634	440,726	251,908		6	
61%	0	Nebraska	475,064	302,081	172,983		5	
60%	0	ND	188,320	124,966	63,354		3	
60%	0	Tennessee	1,462,330	960,709	501,621		11	
59%	0	Louisiana	1,152,262	809,141	343,121		8	
59%	0	SD	210,610	145,039	65,571		3	
58%	0	Texas	4,569,843	3,308,124	1,261,719		38	
57%	0	Alaska	164,676	122,640	42,036		3	
57%	0	Montana	267,928	201,839	66,089		3	
56%	0	Mississippi	710,746	562,949	147,797		6	
55%	0	Arizona	1,233,654	1,025,232	208,422		11	
55%	0	Indiana	1,420,543	1,152,887	267,656		11	
55%	0	Missouri	1,482,440	1,223,796	258,644		10	
55%	0	SC	1,071,645	865,941	205,704		9	
54%	0	Georgia	2,078,688	1,773,827	304,861		16	
51%	3	NC	2,270,395	2,178,391	92,004		15	
50%	40	Florida	4,162,341	4,235,965		73,624		29
48%	73	Ohio	2,661,407	2,827,621		166,214		18
48%	36	Virginia	1,822,522	1,971,820		149,298		13
47%	23	Colorado	1,185,050	1,322,998		137,948		9
47%	27	Iowa	730,617	822,544		91,927		6
47%	13	Nevada	463,567	531,373		67,806		6
47%	13	NH	329,918	369,561		39,643		4
47%	5	Pennsylvania	2,680,434	2,990,274		309,840		20
47%	18	Wisconsin	1,410,966	1,620,985		210,019		10
46%	1	Minnesota	1,320,225	1,546,167		225,942		10
45%	1	Michigan	2,115,256	2,564,569		449,313		16
45%	0	New Mexico	335,788	415,335		79,547		5
44%	0	Oregon	754,175	970,488		216,313		7
42%	0	Maine	292,276	401,306		109,030		4
42%	0	Washington	1,290,670	1,755,396		464,726		12
41%	0	Connecticut	634,892	905,083		270,191		7
41%	0	Delaware	165,484	242,584		77,100		3
41%	0	Illinois	2,135,216	3,019,512		884,296		20
41%	0	New Jersey	1,478,088	2,122,786		644,698		14
38%	0	California	4,839,958	7,854,285		3,014,327		55
38%	0	Mass	1,188,314	1,921,290		732,976		11
37%	0	Maryland	971,869	1,677,844		705,975		10
36%	0	New York	2,485,432	4,471,871		1,986,439		29
36%	0	Rhode Island	157,204	279,677		122,473		4
32%	0	Vermont	92,698	199,239		106,541		3
28%	0	Hawaii	121,015	306,658		185,643		4
7%	0	D.C.	21,381	267,070		245,689		3
48.0%	253	Total	60,930,782	65,897,727			206	332
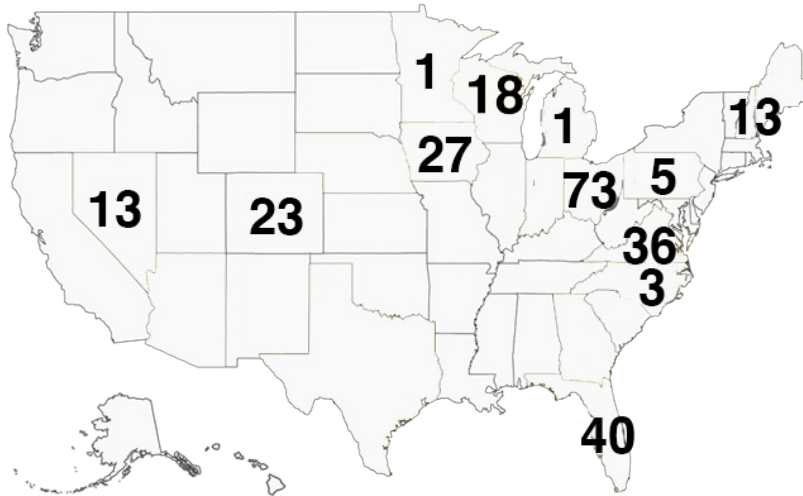
Figure 1.11 Number of general-election campaign events in 2012

As can be seen from the table, Ohio (with 4% of the nation's population) received the most general-election campaign events of any state. Its 73 events constituted 29% of the nationwide total of 253 events.

Seventy percent of the entire 2012 general-election campaign (176 of 253 events) was concentrated in four states:

- Ohio–73
- Florida–40
- Virginia–36
- Iowa–27

In 2012, Obama conducted general-election campaign events in just eight states after being nominated, and Romney did so in only 10 states.

Only 30% of the nation's population of 308,745,538 (2010 census) lived in the 12 battle-ground states of 2012, as shown in table 1.11.

Figure 1.11 shows the number of general-election campaign events for each state in 2012.

As one would expect, the money that presidential candidates spend generally parallels the distribution of their general-election campaign events.

Table 1.12 shows the advertising spending by the presidential campaign organizations and their supportive outside groups (e.g., super-PACs, 501(c)4 corporations) for each of the 12 states where at least one of the four candidates of the major parties (Obama, Romney, Biden, and Ryan) conducted at least one campaign event. The table is arranged in descending order according to the total advertising spending by state (shown in column 2). Column 3 shows each state's percentage of the total of $939,370,708 for the 12 states. Column 4 shows the total for the Obama campaign (Obama for America) and supportive Dem-

Table 1.11 The battleground states of 2012 had 30% of the nation's population

R-percent	Campaign events	State	Romney	Obama	Population
51%	3	North Carolina	2,270,395	2,178,391	9,535,483
50%	40	Florida	4,162,341	4,235,965	18,801,310
48%	73	Ohio	2,661,407	2,827,621	11,536,504
48%	36	Virginia	1,822,522	1,971,820	8,001,024
47%	23	Colorado	1,185,050	1,322,998	5,029,196
47%	27	Iowa	730,617	822,544	3,046,355
47%	13	Nevada	463,567	531,373	2,700,551
47%	13	New Hampshire	329,918	369,561	1,316,470
47%	5	Pennsylvania	2,680,434	2,990,274	12,702,379
47%	18	Wisconsin	1,410,966	1,620,985	5,686,986
46%	1	Minnesota	1,320,225	1,546,167	5,303,925
45%	1	Michigan	2,115,256	2,564,569	9,883,640
48%	**253**	**Total**	**21,152,698**	**22,982,268**	**93,543,823**

Table 1.12 General-election advertising spending in 12 states in 2012

State	Total	Percentage of total	Democratic	Republican
Ohio	$192,275,664	20.5%	$91,675,838	$100,599,826
Florida	$182,040,734	19.4%	$77,705,000	$104,335,734
Virginia	$149,217,380	15.9%	$66,767,983	$82,449,397
Colorado	$79,830,466	8.5%	$38,347,150	$41,483,316
Iowa	$71,150,666	7.6%	$28,586,032	$42,564,634
North Carolina	$69,374,780	7.4%	$24,184,071	$45,190,709
Nevada	$58,276,511	6.2%	$25,831,984	$32,444,527
Wisconsin	$45,784,603	4.9%	$14,749,375	$31,035,228
New Hampshire	$43,540,413	4.6%	$21,456,476	$22,083,937
Pennsylvania	$28,089,978	3.0%	$10,896,718	$17,193,260
Michigan	$17,483,109	1.9%	$461,008	$17,022,101
Minnesota	$1,499,045	0.2%	–	$1,499,045
Total	**$939,370,708**	**100.0%**	**$400,661,635**	**$538,709,073**

ocratic groups (Priorities USA Action and Planned Parenthood Action Fund).[73] Column 5 shows the total for the Romney campaign (Romney for President) and supportive Republican groups (American Crossroads, Restore Our Future, Crossroads GPS, Americans for Prosperity, Republican National Committee, Americans for Job Security, American Future Fund, and Concerned Women for America). The information here was compiled by *National Journal*[74] and covers the period between September 4, 2012 (the middle of the Democratic National Convention) and November 4, 2012 (two days before Election Day).[75]

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[73] Note that the Democratic National Committee did not run any advertising for the 2012 Obama campaign.

[74] Bell, Peter and Wilson, Reid. Ad Spending in presidential battleground states. *National Journal*. November 4, 2012. http://www.nationaljournal.com/hotline/ad-spending-in-presidential-battleground-states-20120620. This web site also details the spending by each individual group.

[75] The cost per electoral vote of reaching voters in battleground states varies considerably from state to state. Television advertising is highly inefficient for many battleground states. For example, reaching voters in the populous southern part of the battleground state of New Hampshire (with four electoral votes) is highly inefficient, because it requires advertising on premium-priced metropolitan Boston TV stations (that primarily reaches politically irrelevant voters in Massachusetts and Rhode Island). Similarly, reaching the

The battle for the White House was not meaningfully joined in the three states in table 1.12 with the lowest advertising expenditures (Minnesota, Michigan, and Pennsylvania).

In Minnesota, Democrats spent nothing in pursuit of the state's 10 electoral votes, while Republicans spent a mere 5% of what they spent trying to win the 10 electoral votes in neighboring Wisconsin. Moreover, neither Obama, Romney, nor Biden conducted any general-election events in Minnesota (table 1.10).

In Michigan, Democrats spent next to nothing ($461,008) in pursuit of the state's 16 electoral votes, while Republicans spent (mostly at the last minute) a mere one-sixth of what they spent trying to win Ohio's 18 electoral votes. Congressman Ryan made one visit to Michigan (as shown in table 1.10).

Although Pennsylvania was a major battleground state in 2008 (receiving 40 of the 300 general-election campaign events), the battle was never meaningfully joined in Pennsylvania in 2012. Neither President Obama nor Vice President Biden conducted any general-election events in Pennsylvania (as shown in table 1.10). The three last-minute events by Republican presidential nominee Mitt Romney and the two last-minute events by his vice-presidential running mate Paul Ryan were a token effort (a tiny fraction of the 253 general-election campaign events). The spending in pursuit of Pennsylvania's 20 electoral votes (mostly last-minute) was less than one-sixth of what was spent in pursuit of Ohio's 18 electoral votes.

Overall, 98% of the $939,370,708 spent on advertising in the 12 states in 2012 shown in table 1.12 was concentrated in just 10 states, and 95% was spent in just nine states.

The location of field offices confirms the degree to which presidential campaigns concentrated their efforts on the battleground states.

As discussed in a report entitled "Tracking Presidential Campaign Field Operations" by Andrea Levien of FairVote,[76] President Obama's field operation had a total of 790 campaign offices, with at least one in every state. However, there was only one Obama office in 25 states.

Governor Romney's field operation had a total of 284 offices. All were located in just 16 states.

Table 1.13 shows that 87% of Obama's campaign offices (690 of 790) were in the 12 states where either President Obama, Vice President Biden, Governor Romney, or Congressman Ryan conducted at least one campaign event.

Table 1.14 shows that 92% of Romney's campaign offices (262 of 284) were in the 12 states where either President Obama, Vice President Biden, Governor Romney, or Congressman Ryan conducted at least one campaign event.

In summary, about 90% of all campaign offices were concentrated in 12 states in 2012.

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northern part of the battleground state of Virginia requires advertising on pricey metropolitan Washington stations (that reaches many politically irrelevant voters in Maryland and the District of Columbia). In contrast, television advertising in the states of Florida, Colorado, and Nevada is more efficient in that it is seen mostly by voters living inside those battleground states.

[76] Levien, Andrea. 2012. Tracking presidential campaign field operations. FairVote report. November 14, 2012. http://www.fairvote.org/tracking-presidential-campaign-field-operations/

Table 1.13 Location of 690 of Obama's 790 campaign offices in 2012	
State	**Obama offices**
Colorado	62
Florida	104
Iowa	67
Michigan	28
Minnesota	12
Nevada	26
New Hampshire	22
North Carolina	54
Ohio	131
Pennsylvania	54
Virginia	61
Wisconsin	69
Total	**690**

Table 1.14 Location of 262 of Romney's 284 campaign offices in 2012	
State	**Obama offices**
Colorado	13
Florida	48
Iowa	14
Michigan	24
Minnesota	0
Nevada	12
New Hampshire	9
North Carolina	24
Ohio	40
Pennsylvania	25
Virginia	29
Wisconsin	24
Total	**262**

1.2.4. 2008 election

In 2008, almost all (98%) of the general-election campaign events (293 of 300) occurred in the 14 states where the Republican percentage of the final two-party vote was in the narrow eight-percentage-point range between 42% and 50%.

Figure 1.12 shows the number of general-election campaign events for each state in 2008.

Table 1.15 shows, for each state, the Republican percentage of the two-party popular vote, the number of general-election campaign events in 2008 by the major-party presidential and vice-presidential candidates, the number of popular votes that they received, their popular-vote margin, and their electoral-vote margin.[77]

As the table shows, Ohio (with 4% of the nation's population) received the most general-election campaign events of any state. Its 62 events constituted 21% of the nationwide total of 300 events.

About three quarters (72%) of the entire 2008 presidential campaign (215 of 300 events) was concentrated in six states:

- Ohio—62 events
- Florida—46 events
- Pennsylvania—40 events
- Virginia—23 events
- Missouri—21 events
- Colorado—20 events.

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[77] In 2008, Obama's nationwide margin was 9,549,976. This table does not include 2,011,830 votes cast for candidates other than the two major-party nominees (bringing the total national popular vote for President to 131,461,581). In Nebraska, Obama won one electoral vote by carrying the 2nd congressional district (the Omaha area). Election results are from David Leip's *Atlas of U.S. Presidential Elections*. Campaign event data is from FairVote.

Table 1.15 Distribution of 2008 campaign events

| R-Percent	Events	State	McCain	Obama	R-Margin	D-Margin	R-EV	D-EV
67%		Wyoming	164,958	82,868	82,090		3	
66%		Oklahoma	960,165	502,496	457,669		7	
65%		Utah	596,030	327,670	268,360		5	
63%		Idaho	403,012	236,440	166,572		4	
61%		Alaska	193,841	123,594	70,247		3	
61%		Alabama	1,266,546	813,479	453,067		9	
60%		Arkansas	638,017	422,310	215,707		6	
59%		Louisiana	1,148,275	782,989	365,286		9	
58%		Kentucky	1,048,462	751,985	296,477		8	
58%	1	Tennessee	1,479,178	1,087,437	391,741		11	
58%		Kansas	699,655	514,765	184,890		6	
58%		Nebraska	452,979	333,319	119,660		4	1
57%	1	West Virginia	397,466	303,857	93,609		5	
57%		Mississippi	724,597	554,662	169,935		6	
56%		Texas	4,479,328	3,528,633	950,695		34	
55%		South Carolina	1,034,896	862,449	172,447		8	
54%		North Dakota	168,601	141,278	27,323		3	
54%		Arizona	1,230,111	1,034,707	195,404		10	
54%		South Dakota	203,054	170,924	32,130		3	
53%		Georgia	2,048,759	1,844,123	204,636		15	
51%		Montana	242,763	231,667	11,096		3	
50%	**21**	**Missouri**	**1,445,814**	**1,441,911**	**3,903**		**11**	
50%	**15**	**North Carolina**	**2,128,474**	**2,142,651**		**14,177**		**15**
49%	**9**	**Indiana**	**1,345,648**	**1,374,039**		**28,391**		**11**
49%	**46**	**Florida**	**4,045,624**	**4,282,074**		**236,450**		**27**
48%	**62**	**Ohio**	**2,677,820**	**2,940,044**		**262,224**		**20**
47%	**23**	**Virginia**	**1,725,005**	**1,959,532**		**234,527**		**13**
45%	**20**	**Colorado**	**1,073,589**	**1,288,576**		**214,987**		**9**
45%	**7**	**Iowa**	**682,379**	**828,940**		**146,561**		**7**
45%	**12**	**New Hampshire**	**316,534**	**384,826**		**68,292**		**4**
45%	2	Minnesota	1,275,409	1,573,354		297,945		10
45%	**40**	**Pennsylvania**	**2,655,885**	**3,276,363**		**620,478**		**21**
44%	**12**	**Nevada**	**412,827**	**533,736**		**120,909**		**5**
43%	**8**	**Wisconsin**	**1,262,393**	**1,677,211**		**414,818**		**10**
42%	**8**	**New Mexico**	**346,832**	**472,422**		**125,590**		**5**
42%		New Jersey	1,613,207	2,215,422		602,215		15
42%	**10**	**Michigan**	**2,048,639**	**2,872,579**		**823,940**		**17**
42%		Oregon	738,475	1,037,291		298,816		7
41%		Washington	1,229,216	1,750,848		521,632		11
41%	2	Maine	295,273	421,923		126,650		4
39%		Connecticut	629,428	997,773		368,345		7
38%		California	5,011,781	8,274,473		3,262,692		55
37%		Delaware	152,374	255,459		103,085		3
37%		Illinois	2,031,179	3,419,348		1,388,169		21
37%		Maryland	959,862	1,629,467		669,605		10
37%		Massachusetts	1,108,854	1,904,097		795,243		12
36%		New York	2,752,728	4,804,701		2,051,973		31
36%		Rhode Island	165,391	296,571		131,180		4
31%		Vermont	98,974	219,262		120,288		3
27%		Hawaii	120,566	325,871		205,305		4
7%	1	D.C.	17,367	245,800		228,433		3
46%	**300**	**Total**	**59,948,240**	**69,498,216**			**173**	**365**
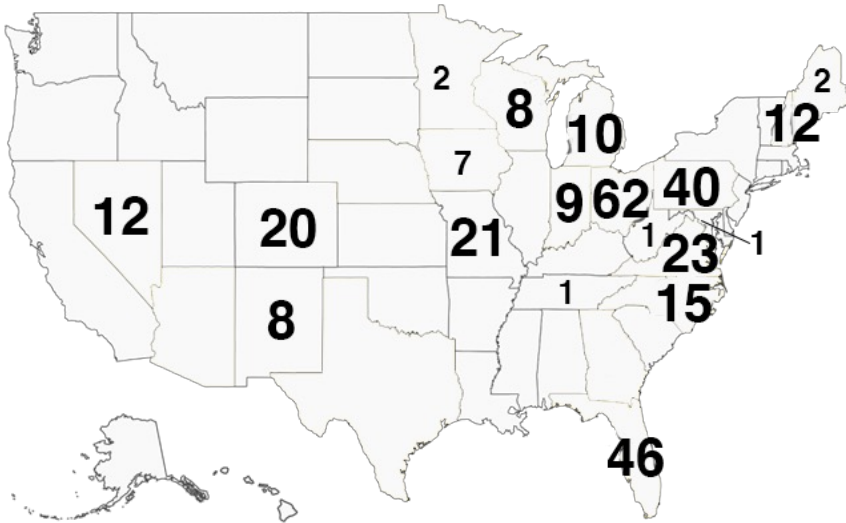
Figure 1.12 Number of general-election campaign events in 2008

Referring to the 2008 election, Professor George C. Edwards III pointed out in his book *Why the Electoral College Is Bad for America*:

> "**Barack Obama campaigned in only fourteen states**, representing only 33 percent of the American people, during the entire general election."[78] [Emphasis added]

Senator John McCain campaigned in only 19 states in the general-election period.

Tellingly, the list of 14 states that accounted for virtually the entire 2008 campaign was known as early as the spring of 2008—even before the nominating process was completed.[79]

However, on October 2, 2010, the McCain campaign abruptly pulled out of Michigan after it concluded that McCain could not win there. Thus, Michigan appears on this list even though it became a "jilted battleground" state in the midst of the fall campaign.

As one would expect, the money that presidential candidates spend in the various states generally parallels the distribution of their general-election campaign events.

Table 1.16 shows the states ranked in order of their peak-season candidate advertising expenses (using data compiled by CNN) covering the period from September 24, 2008 (two days before the first debate), to Election Day (using data from the Federal Elections Commission records compiled by FairVote).[80] Column 3 shows the percentage of total national peak-season candidate advertising expenses for each state.

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[78] Edwards, George C., III. 2011. *Why the Electoral College Is Bad for America*. New Haven, CT: Yale University Press. Second edition. Pages 3–5.

[79] Nagourney, Adam and Zeleny, Jeff. 2008. Already, Obama and McCain Map Fall Strategies. *New York Times*. May 11, 2008. https://www.nytimes.com/2008/05/11/us/politics/11strategy.html

[80] See http://www.fairvote.org/following-the-money-campaign-donations-and-spending-in-the-2008-presidential-race

Table 1.16 Campaign advertising spending for the 2008 election

State	Advertising expenditures	Percent of advertising	State	Advertising expenditures	Percent of advertising
Florida	$29,249,985	18.18%	Oklahoma	$4,170	0%
Pennsylvania	$24,903,675	15.48%	Kansas	$3,141	0%
Ohio	$16,845,415	10.47%	Oregon	$2,754	0%
Virginia	$16,634,262	10.34%	Louisiana	$2,279	0%
North Carolina	$9,556,598	5.94%	New York	$2,235	0%
Indiana	$8,964,817	5.57%	Arkansas	$1,897	0%
Wisconsin	$8,936,200	5.56%	Mississippi	$1,731	0%
Missouri	$7,970,313	4.95%	Alabama	$1,385	0%
Colorado	$7,944,875	4.94%	South Dakota	$980	0%
Nevada	$7,108,542	4.42%	South Carolina	$910	0%
Michigan	$5,780,198	3.59%	Nebraska	$807	0%
Minnesota	$4,262,784	2.65%	Kentucky	$635	0%
Iowa	$3,713,223	2.31%	Idaho	$368	0%
New Mexico	$3,134,146	1.95%	Alaska	$310	0%
New Hampshire	$2,924,839	1.82%	Utah	$66	0%
Montana	$971,040	0.60%	Massachusetts	$20	0%
Maine	$832,204	0.52%	D.C.	$0	0%
West Virginia	$733,025	0.46%	Maryland	$0	0%
Georgia	$177,805	0.11%	New Jersey	$0	0%
Arizona	$75,042	0.05%	Connecticut	$0	0%
Illinois	$53,896	0.03%	Hawaii	$0	0%
California	$28,288	0.02%	Vermont	$0	0%
North Dakota	$18,365	0.01%	Rhode Island	$0	0%
Tennessee	$9,955	0.01%	Delaware	$0	0%
Washington	$5,062	0%	Wyoming	$0	0%
Texas	$4,641	0%	**Total**	**$160,862,883**	**100.00%**

Table 1.16 shows that:

- 99.75% of all advertising spending was in just 18 states in 2008. This allocation substantially parallels the allocation of the 300 general-election campaign events to just 19 states.
- 32 states received a *combined* total of only ¼% of the total advertising money in 2008.

Table 1.17 shows the states ranked in order of their total donations (column 2) to the 2008 presidential campaign (using data from Federal Elections Commission records compiled by FairVote).[81] Column 3 shows the percentage of total national donations for each state. Column 4 shows the peak-season candidate advertising expenses (using data compiled by CNN) covering the period from September 24, 2008 (two days before the first

[81] http://www.fairvote.org/following-the-money-campaign-donations-and-spending-in-the-2008-presidential -race

Table 1.17 Campaign donations and advertising spending for 2008

State	Donations	Percent of donations	Ad spending	Percent of advertising
California	$151,127,483	17.76%	$28,288	0.02%
New York	$89,538,628	10.52%	$2,235	–
Illinois	$50,900,675	5.98%	$53,896	0.03%
Texas	$46,327,287	5.44%	$4,641	–
Virginia	$44,845,304	5.27%	$16,634,262	10.34%
D.C.	$44,275,246	5.20%	$0	–
Florida	$41,770,516	4.91%	$29,249,985	18.18%
Massachusetts	$36,230,225	4.26%	$20	–
Maryland	$28,723,600	3.37%	$0	–
Washington	$24,666,430	2.90%	$5,062	–
Pennsylvania	$23,929,821	2.81%	$24,903,675	15.48%
New Jersey	$22,756,469	2.67%	$0	–
Colorado	$18,800,854	2.21%	$7,944,875	4.94%
Connecticut	$16,526,530	1.94%	$0	–
Georgia	$16,507,714	1.94%	$177,805	0.11%
Ohio	$15,984,435	1.88%	$16,845,415	10.47%
Arizona	$15,334,618	1.80%	$75,042	0.05%
Michigan	$15,007,118	1.76%	$5,780,198	3.59%
North Carolina	$14,337,669	1.68%	$9,556,598	5.94%
Minnesota	$10,894,627	1.28%	$4,262,784	2.65%
Oregon	$10,155,182	1.19%	$2,754	–
Missouri	$9,997,747	1.17%	$7,970,313	4.95%
Wisconsin	$8,133,046	0.96%	$8,936,200	5.56%
Tennessee	$7,934,886	0.93%	$9,955	0.01%
New Mexico	$6,418,313	0.75%	$3,134,146	1.95%
Indiana	$6,225,848	0.73%	$8,964,817	5.57%
South Carolina	$5,744,471	0.67%	$910	–
Nevada	$5,273,523	0.62%	$7,108,542	4.42%
Hawaii	$5,045,151	0.59%	$0	–
Oklahoma	$4,359,169	0.51%	$4,170	–
Kentucky	$4,338,611	0.51%	$635	–
Alabama	$4,333,420	0.51%	$1,385	–
Louisiana	$4,330,756	0.51%	$2,279	–
New Hampshire	$4,045,877	0.48%	$2,924,839	1.82%
Iowa	$3,649,836	0.43%	$3,713,223	2.31%
Maine	$3,344,447	0.39%	$832,204	0.52%
Kansas	$3,333,235	0.39%	$3,141	–
Utah	$3,287,184	0.39%	$66	–
Vermont	$2,852,896	0.34%	$0	–
Arkansas	$2,446,323	0.29%	$1,897	–
Mississippi	$2,400,625	0.28%	$1,731	–
Rhode Island	$2,343,926	0.28%	$0	–
Montana	$1,882,200	0.22%	$971,040	0.60%
Nebraska	$1,867,197	0.22%	$807	–
Delaware	$1,745,123	0.21%	$0	–
Alaska	$1,611,031	0.19%	$310	–
Idaho	$1,610,072	0.19%	$368	–
Wyoming	$1,488,479	0.17%	$0	–
West Virginia	$1,236,993	0.15%	$733,025	0.46%
South Dakota	$758,626	0.09%	$980	–
North Dakota	$442,998	0.05%	$18,365	0.01%
Total	**$851,122,440**	**100.00%**	**$160,862,883**	**100.00%**

presidential debate) to Election Day. Column 5 shows the percentage of total national peak-season candidate advertising expenses for each state.

Table 1.17 shows that the top six "exporting states" (California, New York, Illinois, Texas, Virginia, and the District of Columbia) donated 60% of the money but received only 0.06% of the advertising money.

For example, California donors contributed $151,127,483 (about one-sixth of the national total), but California received a mere $28,288 in advertising. New York donors contributed $89,538,628 (about one-tenth of the national total), while New York received only $2,235 in advertising.

Table 1.17 also shows that the 18 net "importers" of campaign money (which received 99.75% of all advertising money) generated only 27.7% of all donations.

1.2.5. 2004 election

In 2004, almost all (91%) of the general-election campaign events (391 of 431) occurred in 16 states where the Republican percentage of the two-party vote was in the narrow eight-percentage-point range between 48% and 56%.[82]

Our source for campaign event data for 2004 and 2000 is University of Texas Professor Daron R. Shaw's book *The Race to 270: The Electoral College and the Campaign Strategies of 2000 and 2004.*

In 2000, Shaw was one of seven full-time professional members of the Bush campaign's strategy department headed by Karl Rove and Matthew Dowd.[83] During the 2004 election, he was a consultant to the 2004 Bush-Cheney campaign and the Republican National Committee.

Shaw's definition of a campaign "appearance"[84] is similar to the definition of "campaign event" used by FairVote for 2008, 2012, 2016, and 2020 and in this book. For example, Professor Shaw (like FairVote) excludes appearances at private fund-raisers and other private meetings. However, we made one adjustment to Shaw's data for 2004 (but no adjustments for 2000), as described in the footnote.[85]

Table 1.18 shows, for each state, the Republican percentage of the two-party popular vote, the number of general-election campaign events in 2004 by the major-party presidential and vice-presidential candidates, the number of popular votes that they received, their popular-vote margin, and their electoral-vote margin.[86]

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[82] Shaw, Daron R. 2006. *The Race to 270: The Electoral College and the Campaign Strategies of 2000 and 2004.* Chicago, IL: University of Chicago Press. Pages 86–87.

[83] Shaw, Daron R. 2006. *The Race to 270: The Electoral College and the Campaign Strategies of 2000 and 2004.* Chicago, IL: University of Chicago Press. Page 5.

[84] Shaw, Daron R. 2006. *The Race to 270: The Electoral College and the Campaign Strategies of 2000 and 2004.* Chicago, IL: University of Chicago Press. Page 77.

[85] Under Shaw's definition of "appearance," there were 22 appearances in Washington, D.C., and 10 appearances in New York in 2004, but none for either place in 2000. Neither New York nor the District of Columbia was a competitive jurisdiction in either the 2004 or 2000 presidential elections. Because these 32 appearances in 2004 were aimed at a national audience—as opposed to winning the votes from the New York or District of Columbia electorates—we excluded these 32 appearances in 2004 from our table.

[86] In 2004, Bush's nationwide margin was 3,012,179. The table does not include 1,234,493 votes cast for other candidates (bringing total national popular vote to 122,303,536). Election results from David Leip's *Atlas of*

Table 1.18 Distribution of 2004 campaign events

R-Percent	Events	State	Bush	Kerry	R-Margin	D-Margin	R-EV	D-EV
73%		Utah	663,742	241,199	422,543		5	
70%	5	Wyoming	167,629	70,776	96,853		3	
69%		Idaho	409,235	181,098	228,137		4	
67%		Nebraska	512,814	254,328	258,486		5	
66%	1	Oklahoma	959,792	503,966	455,826		7	
64%		North Dakota	196,651	111,052	85,599		3	
63%		Alaska	190,889	111,025	79,864		3	
63%		Alabama	1,176,394	693,933	482,461		9	
63%		Kansas	736,456	434,993	301,463		6	
62%	8	Texas	4,526,917	2,832,704	1,694,213		34	
61%		South Dakota	232,584	149,244	83,340		3	
61%		Montana	266,063	173,710	92,353		3	
60%		Indiana	1,479,438	969,011	510,427		11	
60%	1	Kentucky	1,069,439	712,733	356,706		8	
60%		Mississippi	684,981	458,094	226,887		6	
59%		South Carolina	937,974	661,699	276,275		8	
58%	9	Georgia	1,914,254	1,366,149	548,105		15	
57%	2	Louisiana	1,102,169	820,299	281,870		9	
57%		Tennessee	1,384,375	1,036,477	347,898		11	
56%	**10**	**West Virginia**	**423,778**	**326,541**	**97,237**		**5**	
56%	**5**	**North Carolina**	**1,961,166**	**1,525,849**	**435,317**		**15**	
55%	**6**	**Arizona**	**1,104,294**	**893,524**	**210,770**		**10**	
55%		Arkansas	572,898	469,953	102,945		6	
54%		Virginia	1,716,959	1,454,742	262,217		13	
54%	**9**	**Missouri**	**1,455,713**	**1,259,171**	**196,542**		**11**	
53%	**84**	**Florida**	**3,964,522**	**3,583,544**	**380,978**		**27**	
52%	**12**	**Colorado**	**1,101,256**	**1,001,725**	**99,531**		**9**	
51%	**10**	**Nevada**	**418,690**	**397,190**	**21,500**		**5**	
51%	**63**	**Ohio**	**2,859,768**	**2,741,167**	**118,601**		**20**	
50%	**13**	**New Mexico**	**376,930**	**370,942**	**5,988**		**5**	
50%	**38**	**Iowa**	**751,957**	**741,898**	**10,059**		**7**	
50%	**40**	**Wisconsin**	**1,478,120**	**1,489,504**		**11,384**		**10**
49%	**12**	**New Hampshire**	**331,237**	**340,511**		**9,274**		**4**
49%	**36**	**Pennsylvania**	**2,793,847**	**2,938,095**		**144,248**		**21**
48%	**25**	**Michigan**	**2,313,746**	**2,479,183**		**165,437**		**17**
48%	**21**	**Minnesota**	**1,346,695**	**1,445,014**		**98,319**		**10**
48%	**7**	**Oregon**	**866,831**	**943,163**		**76,332**		**7**
47%	5	New Jersey	1,670,003	1,911,430		241,427		15
46%	0	Washington	1,304,894	1,510,201		205,307		11
46%		Delaware	171,660	200,152		28,492		3
46%	1	Hawaii	194,191	231,708		37,517		4
45%	3	Maine	330,201	396,842		66,641		4
45%	2	California	5,509,826	6,745,485		1,235,659		55
45%	2	Illinois	2,345,946	2,891,550		545,604		21
45%		Connecticut	693,826	857,488		163,662		7
43%		Maryland	1,024,703	1,334,493		309,790		10
41%		New York	2,962,567	4,314,280		1,351,713		31
40%		Vermont	121,180	184,067		62,887		3
39%	1	Rhode Island	169,046	259,760		90,714		4
37%		Massachusetts	1,071,109	1,803,800		732,691		12
9%		D.C.	21,256	202,970		181,714		3
51%	**431**	**Total**	**62,040,611**	**59,028,432**			**286**	**252**

As can be seen from the table, Florida (6% of the nation's population at the time) received the most general-election campaign events of any state in 2004. Its 84 events constituted 19% of the nationwide total of 431 events.[87]

Seventy-one percent of the entire 2004 presidential campaign (307 of 431 events) was concentrated in seven states:

- Florida–84
- Ohio–63
- Wisconsin–40
- Iowa–38
- Pennsylvania–36
- Michigan–25
- Minnesota–21.

1.2.6. 2000 election

In 2000, almost all (92%) of the general-election campaign events (405 of 439) occurred in 20 states where the Republican percentage of the two-party vote was in the narrow nine-percentage-point range between 44% and 53%.

Table 1.19 shows, for each state, the Republican percentage of the two-party popular vote, the number of general-election campaign events in 2000 by the major-party presidential and vice-presidential candidates, the number of popular votes that they received, their popular-vote margin, and their electoral-vote margin.[88]

As can be seen from the table, Florida (6% of the nation's population at the time) received the most general-election campaign events of any state in 2000. Its 47 events constituted 11% of the nationwide total of 439 events.

Two-thirds (67%) of the entire 2000 presidential campaign (297 of 439 events) was concentrated in nine states:

- Florida–47
- Michigan–39
- Pennsylvania–36
- California–34
- Wisconsin–31

U.S. Presidential Elections. Event data comes from Shaw, Daron R. 2006. *The Race to 270: The Electoral College and the Campaign Strategies of 2000 and 2004*, except for the 2004 counts for Washington D.C., and New York (as explained above).

[87] A presidential or vice-presidential candidate's visit to a state is typically accompanied by a major expenditure in advertising and ground activity. For example, more advertising money was spent during the last five weeks of the 2004 campaign in Florida than in 45 other states combined. See FairVote. 2002. *Who Picks the President? Not You.* November 3, 2005. https://fairvote.org/press/who_picks_the_president_not_you/

[88] In 2000, Gore's nationwide lead was 543,816. This table does not include 3,953,439 votes cast for other candidates (bringing the total national popular vote to 105,417,475). The number of electoral votes shown in column 9 does not reflect the abstention by one faithless elector from the District of Columbia when the Electoral College met in December. The election results are from David Leip's *Atlas of U.S. Presidential Elections.* The campaign event information is from Shaw, Daron R. 2006. *The Race to 270: The Electoral College and the Campaign Strategies of 2000 and 2004.* Pages 86–87.

Table 1.19 Distribution of 2000 campaign events

R-Percent	Events	State	Bush	Gore	R-Margin	D-Margin	R-EV	D-EV
72%		Utah	515,096	203,053	312,043		5	
71%		Wyoming	147,947	60,481	87,466		3	
71%		Idaho	336,937	138,637	198,300		4	
68%		Alaska	167,398	79,004	88,394		3	
65%		Nebraska	433,862	231,780	202,082		5	
65%		North Dakota	174,852	95,284	79,568		3	
64%		Montana	240,178	137,126	103,052		3	
62%		South Dakota	190,700	118,804	71,896		3	
61%		Oklahoma	744,337	474,276	270,061		8	
61%		Texas	3,799,639	2,433,746	1,365,893		32	
61%		Kansas	622,332	399,276	223,056		6	
59%		Mississippi	573,230	404,964	168,266		7	
58%		South Carolina	786,426	566,039	220,387		8	
58%		Indiana	1,245,836	901,980	343,856		12	
58%	10	Kentucky	872,492	638,898	233,594		8	
58%		Alabama	944,409	695,602	248,807		9	
56%	4	North Carolina	1,631,163	1,257,692	373,471		14	
56%	3	Georgia	1,419,720	1,116,230	303,490		13	
54%	1	Colorado	883,745	738,227	145,518		8	
54%		Virginia	1,437,490	1,217,290	220,200		13	
54%	8	Louisiana	927,871	792,344	135,527		9	
53%	1	Arizona	781,652	685,341	96,311		8	
53%	5	West Virginia	336,475	295,497	40,978		5	
53%	11	Arkansas	472,940	422,768	50,172		6	
52%	18	Tennessee	1,061,949	981,720	80,229		11	
52%	6	Nevada	301,575	279,978	21,597		4	
52%	27	Ohio	2,351,209	2,186,190	165,019		21	
52%	30	Missouri	1,189,924	1,111,138	78,786		11	
51%	7	New Hampshire	273,559	266,348	7,211		4	
50%	47	Florida	2,912,790	2,912,253	537		25	
50%	12	New Mexico	286,417	286,783		366		5
50%	31	Wisconsin	1,237,279	1,242,987		5,708		11
50%	24	Iowa	634,373	638,517		4,144		7
50%	16	Oregon	713,577	720,342		6,765		7
49%	5	Minnesota	1,109,659	1,168,266		58,607		10
48%	36	Pennsylvania	2,281,127	2,485,967		204,840		23
47%	39	Michigan	1,953,139	2,170,418		217,279		18
47%	9	Maine	286,616	319,951		33,335		4
47%	18	Washington	1,108,864	1,247,652		138,788		11
45%		Vermont	119,775	149,022		29,247		3
44%	29	Illinois	2,019,421	2,589,026		569,605		22
44%	34	California	4,567,429	5,861,203		1,293,774		54
43%	2	Delaware	137,288	180,068		42,780		3
42%	6	New Jersey	1,284,173	1,788,850		504,677		15
42%		Maryland	813,797	1,145,782		331,985		10
41%		Connecticut	561,094	816,015		254,921		8
40%		Hawaii	137,845	205,286		67,441		4
37%		New York	2,403,374	4,107,907		1,704,533		33
35%		Massachusetts	878,502	1,616,487		737,985		12
34%		Rhode Island	130,555	249,508		118,953		4
10%		D.C.	18,073	171,923		153,850		3
49.7%	**439**	**Total**	**50,460,110**	**51,003,926**			**271**	**267**

- Missouri–30
- Illinois–29
- Ohio–27
- Iowa–24.

1.2.7. 2024 prospects

The results of the 2022 midterm elections and recent voting patterns strongly suggest that three states (Iowa, Ohio, and Florida) that were hotly contested battlegrounds in several recent elections are unlikely to continue to be presidential battlegrounds in 2024.

For example, Iowa's number of general-election campaign events by presidential and vice-presidential candidates has been declining in recent years because of the state's increasingly Republican predisposition:

- 27 events in 2012
- 21 events in 2016
- 5 events in 2020.

Iowa's Republican Governor Kim Reynolds' 16-point win and Republican Senator Grassley's 12-point win in 2022 suggest (as of the time of this writing) that presidential candidates will not regard Iowa as a battleground state in 2024 and that Iowa will, therefore, receive no general-election attention.[89]

Ohio's number of general-election campaign events has similarly declined in recent years:

- 73 events in 2012
- 48 events in 2016
- 13 events in 2020.

Ohio's Republican Governor DeWine's 26-point win and Republican Senator J.D. Vance's seven-point win in 2022 suggest (as of the time of this writing) that presidential candidates will not regard Ohio as competitive in 2024. If Ohio receives any general-election attention at all from presidential candidates, it will probably be occasioned by incumbent Senator Sherrod Brown's hotly contested re-election race.

Indeed, neither Iowa nor Ohio was among the eight states that Biden targeted in his $25,000,000 advertising campaign in late 2023 (namely Arizona, Florida, Georgia, Michigan, Nevada, North Carolina, Pennsylvania, and Wisconsin).[90]

Florida's status as a closely divided presidential battleground is also in doubt.

Trump won 51% of the two-party vote for President in 2016 in Florida, and he won 52% of the two-party vote in 2020. The closeness of those two elections would tend to suggest that Florida would be a presidential battleground in 2024.

However, Republican Governor DeSantis' 19-point win and Republican Senator Rubio's

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[89] Weisman, Jonathan. 2024. Why Iowa Turned So Red When Nearby States Went Blue. *New York Times*. January 8, 2024. https://www.nytimes.com/2024/01/08/us/politics/iowa-republicans-red.html

[90] Mauger, Craig. 2023. Biden campaign targets Michigan, other battleground states in $25M ad blitz. *The Detroit News*. August 20, 2023. https://www.detroitnews.com/story/news/local/michigan/2023/08/20/biden-targets-michigan-other-battleground-states-in-25m-ad-blitz/70635824007/

16-point win in 2022 strongly suggest (as of the time of this writing) that Florida will not be a battleground state in 2024.[91] The *Washington Post* reported:

> "After humbling midterm losses in a longtime battleground, Democrats are in a state of disorder and pessimistic about 2024."[92]

Indeed, *prior* to the 2022 midterm elections, three major national Democratic campaign organizations signaled Florida's declining status as a battleground state.

> "National Democratic groups mostly looked past Florida in the 2022 midterms, with the governor's race failing to become a priority for the **Democratic Governors Association** and the Senate race failing to attract much attention from the **Democratic Senatorial Campaign Committee** and its affiliated outside groups. The **DNC** also left the state off a list of likely 2024 battleground states that received extra investments for 2022."[93] [Emphasis added]

In late 2023, Florida was one of eight states targeted by Biden's exploratory $25 million advertising campaign.

However, in January 2024, Florida was not one of seven states targeted by Biden's subsequent $250 million advertising buy.[94]

Instead, a *New York Times* article entitled "Biden Super PAC Plans a Historic $250 Million Ad Blitz" listed only seven states as being part of the advertising effort (Arizona, Georgia, Michigan, Nevada, North Carolina, Pennsylvania, and Wisconsin).[95]

In March 2024, Florida was not one of the battleground states that Republican strategist Karl Rove listed in his op-ed entitled "The 2024 Presidential Election Comes Down to Only Seven States." Instead, Rove listed only Arizona, Georgia, Michigan, Nevada, North Carolina, Pennsylvania and Wisconsin as battleground states.[96]

Charlie Cook listed the same seven battleground states in March 2024.[97]

[91] Breuninger, Kevin. 2022. Florida no longer looks like a swing state after DeSantis, Rubio lead big Republican wins. *CNBC*. November 18, 2022. https://www.cnbc.com/2022/11/18/desantis-win-in-florida-midterm-election-undercuts-swing-state-status.html

[92] Rodriguez, Sabrina and Scherer, Michael. 2023. There is no plan. There's nothing': Florida Democrats in despair over future. *Washington Post*. January 22, 2023. https://www.washingtonpost.com/politics/2023/01/22/florida-democrats-losses/

[93] Rodriguez, Sabrina and Scherer, Michael. 2023. 'There is no plan. There's nothing': Florida Democrats in despair over future. *Washington Post*. January 22, 2023. https://www.washingtonpost.com/politics/2023/01/22/florida-democrats-losses/

[94] Paybarah, Azi. 2024. Battleground ad blitz on TV and digital platforms planned by pro-Biden super PAC. *Washington Post*. January 30, 2024. https://www.washingtonpost.com/politics/2024/01/30/biden-ads-youtube-hulu-roku-vevo/

[95] Epstein, Reid J. and Goldmacher, Shane. 2024. Biden Super PAC Plans a Historic $250 Million Ad Blitz. *New York Times*. January 30, 2024. https://www.nytimes.com/2024/01/30/us/politics/biden-tv-ads-super-pac.html

[96] Rove, Karl. 2024. The 2024 Presidential Election Comes Down to Only Seven States. *Wall Street Journal*. March 20, 2024. https://www.wsj.com/articles/2024-presidential-election-comes-down-to-only-seven-states-65887e6a?mod=hp_opin_pos_3#cxrecs_s

[97] Cook, Charlie. 2024. Don't Sleep on Nebraska and Maine. *Cook Political Report*. March 21, 2024. https://www.cookpolitical.com/analysis/national/national-politics/dont-sleep-nebraska-and-maine

Having said that, there are some other potential presidential battlegrounds in 2024 beyond these seven states.

The Biden campaign has been paying attention to New Hampshire, as reported by the *Daily Beast* in March 2024:

> "The Biden campaign is going full steam ahead on hiring in the battleground states, approaching 100 field offices with more than 130 staffers spread across eight major battleground states: Pennsylvania, Michigan, Wisconsin, Georgia, Arizona, and Nevada, as well as North Carolina and **New Hampshire**."[98] [Emphasis added]

The general-election race in New Hampshire was extremely close in 2016, with Hillary Clinton getting only 50.2% of the two-party vote. The state received 21 general-election campaign events that year. In 2020, the Democratic lead in New Hampshire grew to eight percentage points (54%–46%)—putting the state at the boundary of what constitutes a battleground state.

Charlie Mahtenian wrote in *Politico* in 2022:

> "New Hampshire, which hasn't voted for a Republican presidential nominee since 2000, also appears to be moving in the wrong direction—at least for a Republican Party led by Trump. In his first bid for president in 2016, he lost the state by less than one-half of a percentage point. Four years later, that margin was eight points. This year, Trumpist candidates lost both House races by healthy margins and the Senate election by double-digits. All of this took place as GOP Gov. Chris Sununu, a Trump nemesis, routed his Democratic foe to win reelection."[99]

Minnesota is similar to New Hampshire in that Hillary Clinton received only 51% of the two-party vote in 2016. Like New Hampshire, the Democratic margin in Minnesota grew to eight percentage points (54%–46%) in 2020.

Minnesota has gone Democratic in every presidential election since 1976. Charlie Mahtenian wrote in *Politico* in 2022:

> "Minnesota is fool's gold for Republicans."

> "Strong Democratic midterm performances in … Minnesota—a state which offered former President Donald Trump a rare offensive opportunity in 2020— suggest [Minnesota] might not be worth contesting in 2024. **Minnesota, which some Republicans regarded as a Trump sleeper state in 2020, turned out to be a mirage**. This year, there was even more evidence of that: Democrats won every state constitutional office for the third straight election cycle. In

[98] Lahut, Jake. 2024. The Biden Campaign Is Quietly Preparing a Trump Ambush. *Daily Beast*. March 27, 2024. https://www.thedailybeast.com/the-biden-campaign-is-quietly-preparing-a-trump-ambush

[99] Mahtenian, Charlie. 2022. What 2022 tells us about the 2024 electoral map. *Politico*. November 23, 2022. https://www.politico.com/newsletters/politico-nightly/2022/11/23/what-2022-tells-us-about-the-2024-electoral-map-00070805?nname=politico-nightly&nid=00000170-c000-da87-af78-e185fa700000&nrid=0000014e-f0ef-dd93-ad7f-f8ef66660001&nlid=2670445
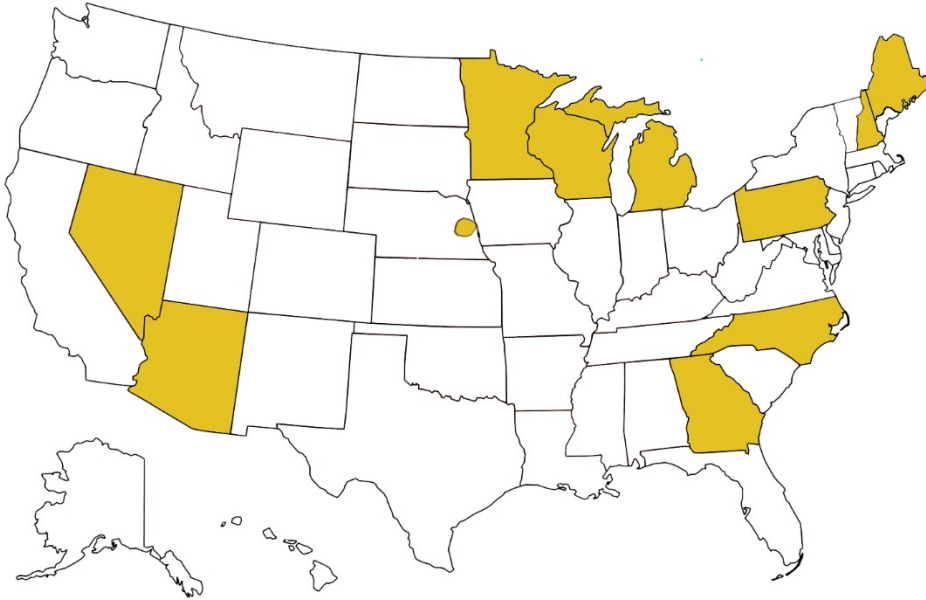
Figure 1.13 The nine likely 2024 battleground states and two likely battleground districts in Nebraska and Maine

2024, it will be 52 years since a Republican presidential nominee last carried Minnesota."[100] [Emphasis added]

Finally, Maine and Nebraska award two electoral votes statewide and one for each congressional district. It appears that Nebraska's 2nd congressional district and Maine's 2nd district are close enough to be considered to be presidential battlegrounds in 2024.[101]

In summary, if Iowa, Ohio, and Florida are not presidential battlegrounds, the 2024 presidential election could revolve around as few as nine states and two congressional districts.[102] In other words, 41 states and the District of Columbia would be mere spectators of the 2024 presidential contest.

Figure 1.13 shows these nine states and two battleground congressional districts.

Table 1.20 shows the nine likely 2024 battleground states and two congressional districts[103] as well as the 24 likely 2024 Republican states and the 18 likely Democratic jurisdictions (17 states and the District of Columbia).

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[100] *Ibid.*

[101] Nebraska and Maine are not considered competitive on a statewide basis.

[102] Brownstein, Ron. 2022. Why fewer states than ever could pick the next president. *CNN*. November 22, 2022. https://www.cnn.com/2022/11/22/politics/2022-preview-2024-presidential-election/index.html

[103] In the table, Maine's 2nd district and Nebraska's 2nd district are listed separately from the remainder of their states, because these two districts are competitive and, in fact, voted differently than the rest of their state in 2020. The table then shows Maine's remaining three electoral votes in the Democratic column, and Nebraska's remaining four electoral votes in the Republican column.

Table 1.20 Likely 2024 battleground states

Democratic	Battleground	Republican
17 states and D.C.	9 states and 2 districts	24 states
211 electoral votes	109 electoral votes	218 electoral votes
California (54)	Arizona (11)	Alabama (9)
Colorado (10)	Georgia (16)	Alaska (3)
Connecticut (7)	Michigan (15)	Arkansas (6)
Delaware (3)	Minnesota (10)	Florida (30)
District of Columbia (3)	North Carolina (16)	Iowa (6)
Hawaii (4)	New Hampshire (4)	Idaho (4)
Illinois (19)	Nevada (6)	Indiana (11)
Massachusetts (11)	Pennsylvania (19)	Kansas (6)
Maine–Remainder (3)[103]	Wisconsin (10)	Kentucky (8)
Maryland (10)	Nebraska-2nd-district (1)[103]	Louisiana (8)
New Jersey (14)	Maine-2nd-district (1)[103]	Missouri (10)
New Mexico (5)		Mississippi (6)
New York (28)		Montana (4)
Oregon (8)		Nebraska–Remainder (4)[103]
Rhode Island (4)		North Dakota (3)
Vermont (3)		Oklahoma (7)
Virginia (13)		Ohio (17)
Washington State (12)		South Carolina (9)
		South Dakota (3)
		Tennessee (11)
		Texas (40)
		Utah (6)
		Wyoming (3)
		West Virginia (4)
Population	Population	Population
133,356,804	67,465,184	130,627,293
Percent of U.S. population	Percent of U.S. population	Percent of U.S. population
40.2%	20.4%	39.4%

The nine likely 2024 battleground states have almost exactly 20% of the U.S. population. Almost exactly 80% of the U.S. population lives in the 41 likely 2024 spectator states—with almost exactly 40% in the blue spectator states and 40% in the red spectator states.

If this configuration of battleground states comes to fruition in 2024, the projected percentage of the U.S. population living in the battleground states will be distinctly lower than the 30% or 31% seen in 2012, 2016, and 2020.

In December 2023, the *Cook Political Report* listed six states as "toss ups."[104,105]

After President Biden withdrew from the presidential race and the Harris-Walz ticket was nominated in August, the list of 2024 battleground states appeared to be just the seven states listed by Karl Rove in March.

[104] 2024 CPR Electoral College Ratings. *Cook Political Report.* December 19, 2023. https://www.cookpolitical.com/ratings/presidential-race-ratings

[105] The Cook Political Report has a summary of battleground states between 1988 and 2020. Walter, Amy. 2023. Cook Political Report Releases Key Historical Electoral College Ratings (1988-2020). *Cook Political Report.* November 7, 2023. https://www.cookpolitical.com/analysis/national/national-politics/cook-political-report-releases-key-historical-electoral-college?

1.2.8. Governance is shaped by the winner-take-all rule.

Appealing to the interests and concerns of voters is an integral part of representative government.

In elections for Governor, U.S. Senator, Mayor, and County Executive, every voter in the jurisdiction covered by the office is equally important to an office seeker.

However, as we have seen earlier in this chapter, the current state-by-state winner-take-all method of awarding electoral votes compels presidential candidates to concentrate their campaigns in the states that they might win or lose. Thus, presidential candidates inevitably seek ways to appeal to the voters in the closely divided states.

Precisely because the battleground states are closely divided, issues that appeal to even a modest number of voters in these particular states can become very important to presidential candidates.

Republican strategist Karl Rove listed some of the state-specific issues that George W. Bush used in 2000 in his book *Courage and Consequence.*

> "We identified issues below the national media's radar that would draw support in key states or regions.
>
> "For example, mountaintop mining was an important issue in West Virginia."
>
> "Iowa and Missouri farmers, meanwhile, were concerned about efforts to withhold water flowing into the Missouri River. They depended on the water flows to ship their crops on barges.
>
> "New Mexicans were worried that environmentalists would shut down development in the state in order to save the Rio Grande minnow."
>
> "Communities in the Northwest were all spun up by both the failure of Clinton's Northwest Timber Plan to help their towns and by calls from environmentalists to destroy the region's dams, a source of jobs and inexpensive green power."
>
> "Banging away on these issues was vital to our efforts."
>
> "[We] plotted out a thematic calendar [that] showed when we would talk about what and in which battleground state."[106]

In West Virginia, for example, the 2000 Bush-Cheney campaign

> "[ran] months of television, [had] Bush visit the state at least three times, [had] his running mate stop at least twice, and [spent] a lot of money."[107]

On Election Day, Bush was rewarded by winning West Virginia with 53% and Missouri with 52%.

Similarly, a 2012 article entitled "Romney Campaign Releases 15 New Commercials in

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[106] Rove, Karl. 2010. *Courage and Consequence: My Life as a Conservative in the Fight.* New York, NY: Threshold Editions. Page 159.

[107] Rove, Karl. 2010. *Courage and Consequence: My Life as a Conservative in the Fight.* New York, NY: Threshold Editions. Page 165.

Eight States" illustrates how presidential candidates tailor their campaigns around issues relevant to voters in particular battleground states:

> "All 15 spots begin identically—with convention footage of Romney's acceptance speech."

> "**From there, it starts getting less generic**."

> "[The] Florida [ad discusses] … the importance of residential real estate to the state's economy.…

> "One of [the] commercials … deals with losses resulting from defense-budget cuts and sequestrations, is running in Colorado, Florida, North Carolina, Ohio and Virginia."

> "Another [commercial] discussing how government overregulation kills small-business jobs runs in Colorado and Iowa."

> "[Another commercial] about government regulatory, trade and tax policies … killing manufacturing jobs, runs in North Carolina and Ohio."

> "[There is] a New Hampshire commercial about high taxes and energy costs."

> "[There is] a Virginia [30-second ad] about how tax cuts can help the lives of middle-class families."[108] [Emphasis added]

The influence of the state-by-state winner-take-all method of awarding electoral votes extends beyond campaigning to governance.

Sitting Presidents contemplating their re-election (or the election of their preferred successor) make policy decisions with the closely divided battleground states in mind.

In *Presidential Pandering*, Brian Faughnan and John Hudak observed:

> "In American elections, not all states are created equal."

> "**Presidential campaigns avoid expending resources in most states because the outcome of the presidential race in those states is essentially predetermined**. On the other hand, campaigns target resources—staff, advertising, visits from candidates, local media appearances—in competitive swing states in an effort to boost the turnout of their base and persuade undecided voters.

> "However, **the structure of elections affects more than presidential campaign behavior. It also influences policy decisions**. Incumbent presidents use campaign resources to help achieve electoral success, but they can also use the powers of their office to do the same. As a result, policy outcomes often aim to benefit key constituencies in critical states. Research illustrates that

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[108] Goldman, Bruce. 2012. Romney campaign releases 15 new commercials in eight states. *Examiner*. September 7, 2012.

presidents influence the distribution of federal funds (Berry and Gersen 2011;[109] Hudak 2012;[110] Shor 2006),[111] the timing of fund distribution (Anagnoson 1982;[112] Hamman 1993),[113] and even the location of enforcement actions (Hudak and Stack 2012)[114] according to an electoral calculus. In the administration of such micro-level policy, we know presidents target key swing states specifically."[115] [Emphasis added]

The examples below show that this distortion is very real. The parochial interests and concerns of a small number of voters in a few closely divided states get far more attention than similar issues in other states.

Disaster declarations

After studying over three thousand disasters and almost a thousand presidential disaster declarations over more than two decades, Professor Andrew Reeves wrote:

> "The unilateral power studied here is the presidential disaster declaration, a power that belongs to the president alone. By statute, he does not require the approval of Congress, nor does he need to explain or justify his decision. Typically (but not necessarily) a governor must first request a declaration, and the president may grant or deny the request without explanation. Under a presidential disaster declaration, individuals are eligible for cash grants, low-interest loans, tax exemptions, unemployment benefits, crisis counseling, and legal advice from FEMA as well as loans from the Small Business Administration."[116]

Reeves found:

> "A state's electoral competitiveness influences whether they receive a disaster declaration from the president. **A highly competitive state can expect**

[109] Berry, Christopher and Jacob Gersen. 2010. Agency Politicization and Distributive Politics. Typescript. Harris School of Public Policy, University of Chicago.

[110] Hudak, John Joseph. 2012. The Politics of Federal Grants: Presidential Influence over the Distribution of Federal Funds. Ph.D. dissertation. Nashville, TN: Vanderbilt University. May 2012.

[111] Shor, Boris. 2006. Presidential Power and Distributive Politics: Federal Expenditures in the 50 States, 1983–2001. Typescript. University of Chicago.

[112] Anagnoson, J. Theodore. 1982. Federal Grant Agencies and Congressional Election Campaigns. *American Journal of Political Science.* 26 (3):547–61.

[113] Hamman, John A. 1993. Bureaucratic Accommodation of Congress and the President: Elections and the Distribution of Federal Assistance. *Political Research Quarterly.* 46 (4):863–79.

[114] Hudak, John Joseph and Kevin M. Stack. 2012. The President and the Politics of Agency Enforcement: The Case of Superfund. Prepared for Annual Meeting of the American Political Science Association in New Orleans, Louisiana (cancelled due to hurricane).

[115] Faughnan, Brian M. and Hudak, John. 2012. *Presidential Pandering: How Elections Determine the Exercise of Executive Power in the U.S. and Colombia.* Issues in Governance Series. Brookings Institution. Number 53. November 2012. Page 4. https://www.brookings.edu/wp-content/uploads/2016/06/2-us-colombia-election-hudak.pdf

[116] Reeves, Andrew. 2011. Political disaster: unilateral powers, electoral incentives, and presidential disaster declarations. *Journal of Politics*. 73(4):1142–1151. Page 1143. https://www.journals.uchicago.edu/doi/abs/10.1017/S0022381611000843

to receive twice as many presidential disaster declarations as an uncompetitive state. This relationship has existed since the passage of the 1988 Stafford Act, which expanded the disaster declaration powers of the president. Additionally, I find that these decisions have the intended electoral benefits— voters react and reward presidents for presidential disaster declarations. **A president can expect over a one-point increase in a statewide contest in return for a single presidential disaster declaration**."[117] [Emphasis added]

Reeves concluded:

"When the inauguration confetti is done falling, the campaign is over and the job of governing begins. But the campaign will come again. In four more years the president or his party designate, must again etch out a coalition of 270 electoral college votes if he wishes to remain (or keep his party) in the White House. The findings here show that the specter of the campaign persists well after the President-Elect thanks his opponent for a worthy contest. **Electoral incentives may guide policy to the detriment of the public good**."[118] [Emphasis added]

Presidentially controlled grants

The executive branch of the federal government has sole discretionary authority over the distribution of billions of dollars of discretionary grants.

In a study entitled "*The Politics of Federal Grants: Presidential Influence over the Distribution of Federal Funds*," Dr. John Hudak, working at the time at the Brookings Institution, observed:

"**Because of the institutional design of the Electoral College, presidents do not face a national electorate, but instead a series of sub-national, state-level electorates**. Moreover, only a handful of states [are] competitive in presidential elections, reducing a huge national electorate to a much smaller set of competitive races.… **The small size of the truly competitive presidential electorate makes an electoral strategy that utilizes the distribution of government funds a feasible and appealing tactic**."[119] [Emphasis added]

Using a database of all federal grants by state between 1996 and 2008, Hudak concluded:

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[117] Reeves, Andrew. 2011. Political disaster: unilateral powers, electoral incentives, and presidential disaster declarations. *Journal of Politics*. 73(4):1142–1151. Page 1142. https://www.journals.uchicago.edu/doi/abs/10.1017/S0022381611000843

[118] Reeves, Andrew. 2011. Political disaster: unilateral powers, electoral incentives, and presidential disaster declarations. *Journal of Politics*. 73(4):1142–1151. Page 1150. https://www.journals.uchicago.edu/doi/abs/10.1017/S0022381611000843

[119] Hudak, John Joseph. 2011. *The Politics of Federal Grants: Presidential Influence over the Distribution of Federal Funds*. Center for the Study of Democratic Institutions. Working Paper # 01-2011. Pages 10–11. http://www.vanderbilt.edu/political-science/graduate/CSDI-WP-01-2011.pdf

"The President and his subordinates strategically direct federal funding to-ward electorally competitive states."

"**The executive branch delivers more money and grants to swing states** than all other states.

"Further, **the proximity of a presidential election enhances this swing state bias** in the distribution of funds."

"Swing states are more likely to be benefactors of federal money than states that the president (or his party) has no chance of winning.

"Through the strategic use of discretion, presidents influence the distribution of federal funds, essentially using them as a campaign resource.

"Presidents strategically time grant allocation announcements in order to reap the maximum benefits in terms of credit claiming."[120] [Emphasis added]

In this study, "swing states are those which were decided by 10% or less in the previous election."[121]

Hudak reached the following conclusion regarding federal discretionary grants controlled by the executive branch:

"Swing states receive between 7.3% and 7.6% more grants than do other states."

"Swing states see a benefit of 5.7% more grant dollars than other states."[122]

In summary:

"Presidents use their discretionary control over huge sums of federal grant dollars to target funds to swing states.…

"Federal grants function as an incumbent-controlled pool of campaign funds that presidents are able to allocate strategically."[123]

Additional details are found in Hudak's 2012 study.[124]

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[120] Hudak, John Joseph. 2011. *The Politics of Federal Grants: Presidential Influence over the Distribution of Federal Funds*. Center for the Study of Democratic Institutions. Working Paper # 01-2011. Pages 1–5. http://www.vanderbilt.edu/political-science/graduate/CSDI-WP-01-2011.pdf

[121] Hudak, John Joseph. 2011. *The Politics of Federal Grants: Presidential Influence over the Distribution of Federal Funds*. Center for the Study of Democratic Institutions. Working Paper # 01-2011. Page 11. http://www.vanderbilt.edu/political-science/graduate/CSDI-WP-01-2011.pdf

[122] Hudak, John Joseph. 2011. *The Politics of Federal Grants: Presidential Influence over the Distribution of Federal Funds*. Center for the Study of Democratic Institutions. Working Paper # 01-2011. Pages 10–11. http://www.vanderbilt.edu/political-science/graduate/CSDI-WP-01-2011.pdf.

[123] Hudak, John Joseph. 2011. *The Politics of Federal Grants: Presidential Influence over the Distribution of Federal Funds*. Center for the Study of Democratic Institutions. Working Paper # 01-2011. Page 28. http://www.vanderbilt.edu/political-science/graduate/CSDI-WP-01-2011.pdf

[124] Hudak, John Joseph. 2012. *The Politics of Federal Grants: Presidential Influence over the Distribution of Federal Funds*. Ph.D. dissertation. Nashville, TN: Vanderbilt University. May 2012.

Medicare Part D legislation in 2003

The prescription drug issue had become a very important political issue in 2003.

As Gallup News Service reported:

> "A sizable proportion of the American adult population, 48%, uses prescription drugs, and that percentage reaches an extremely high 86% among those 65 and older. Most older Americans who use prescription drugs do so for a long-term illness.… [D]rugs are a continuing, regular and long-term expense for senior citizens. Indeed, Gallup Poll data show that the average senior citizen who uses prescription drugs pays more than $1,600 a year out of pocket for prescription drugs."

> "The high rate of prescription drug use and the high out-of-pocket costs incurred to help pay for them help explain why **expanding governmental Medicare coverage to include prescription drugs has become such an important political issue for Americans**.

> "At the beginning of this year, a Gallup Poll asked Americans to rate how important it was that Congress deal with a list of issues and concerns. **Prescription drugs for older Americans appeared near the top of the list**.

> "Dealing with terrorism was rated most important, … but prescription drugs was part of a group of issues that came in just below terrorism, with between 40% and 50% rating each as extremely important."[125] [Emphasis added]

As Karl Rove, Republican strategist and advisor to President George W. Bush, observed:

> "In late 2003, two major domestic issues took center stage … [including] a Medicare prescription drug benefit."[126]

Four factors converged to elevate the political importance of the prescription drug issue in 2003:

- A high percentage (86%) of senior citizens used prescription drugs.
- Voter turnout was highest among the senior-citizens age group.
- A presidential election was less than a year away.
- The battleground states of Florida and Pennsylvania contained especially high percentages of senior citizens. The fact that 537 votes in Florida had made George W. Bush President in 2000 was never far from the Bush Administration's thinking.

With Republicans controlling Congress and President George W. Bush in the White House, the public was looking to the Republican Party to address the issue.

However, the pending $400 billion prescription drug bill was the largest and most

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[125] Newport, Frank. 2003. Americans Favor Concept of Prescription Drug Coverage: Almost 9 in 10 seniors now use prescription drugs. *Gallup News Service*. December 3, 2003. https://news.gallup.com/poll/9826/americans-favor-concept-prescription-drug-coverage.aspx

[126] Rove, Karl. 2010. *Courage and Consequence: My Life as a Conservative in the Fight*. New York, NY: Threshold Editions. Page 372.

costly new federal social program since the 1960s. The bill created an enormous unfunded ongoing expense that was going to greatly enlarge the federal deficit and national debt.

Rove summarized the challenge of getting a Republican-controlled Congress to pass a program such as the proposed prescription drug program:

> "Some GOP members of Congress opposed the drug program because they believed it enlarged the welfare state."[127]

Indeed, one could hardly imagine a legislative proposal less in keeping with the long-standing principles of the party that controlled the White House and Congress at the time.

After considerable White House lobbying of Congress, the prescription drug bill survived a preliminary House roll call in the summer by one vote.

The final House debate started just before 10 P.M. on Friday November 21, 2003.[128]

> "Before last night's debate began, GOP **House leaders spent the day racing to cajole a skeptical core of conservatives** and other party members who reluctantly supported the original Medicare legislation that passed the chamber in June by one vote.
>
> "**The White House, hoping to tout a new Medicare law in President Bush's campaign next year**, applied similar pressure. Bush telephoned 'more than a handful' of House members from Air Force One as he returned from Britain, a White House spokesman said. And last night, Health and Human Services Secretary Tommy G. Thompson came to the Capitol to lobby in person for the measure's passage."[129] [Emphasis added]

Shortly after 3 A.M. on Saturday morning, the Speaker *Pro Tem* announced that there would be a

> "15-minute vote on adoption of the conference report."[130]

However, fifteen minutes was nowhere near enough time for the Republican leadership to round up the votes from reluctant conservatives. As Rove wrote:

> "The vote in the House on the night of November 21 took place as Bush returned from a visit to London.… He phoned wavering undecided congressmen from Air Force One high over the Atlantic.… The House finally voted between 3 A.M. and 5:55 A.M. on the morning of November 22.[131]

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[127] Rove, Karl. 2010. *Courage and Consequence: My Life as a Conservative in the Fight*. New York, NY: Threshold Editions. Page 373.

[128] *Congressional Record*. November 21, 2003. Pages H12230–H12297. https://www.govinfo.gov/content/pkg/CREC-2003-11-21/pdf/CREC-2003-11-21.pdf

[129] Goldstein, Amy and Dewar, Helen. 2003. House Set to Vote on Drug Bill. *Washington Post*. November 22, 2003. https://www.washingtonpost.com/archive/politics/2003/11/22/house-set-to-vote-on-drug-bill/f7359e75-0e53-4f73-b6f0-ae2160d64cc7/

[130] *Congressional Record*. November 21, 2003. Page H12295. https://www.govinfo.gov/content/pkg/CREC-2003-11-21/pdf/CREC-2003-11-21.pdf

[131] Rove, Karl. 2010. *Courage and Consequence: My Life as a Conservative in the Fight*. New York, NY: Threshold Editions. Page 373.

After the roll call was kept open for almost three hours, the bill passed the House by a 220–215 margin.

Congressman Steny Hoyer (D–Maryland) said:

> "This vote has now been held open longer than any vote that I can remember. I have been here 23 years."

> "Just as you cannot say on Tuesday of Election Day, we will keep the polls open for 15 more hours until we get the result we want, you ought not to be able to do it here."

> "Arms have been twisted and votes changed.[132]

Conservative Republican Congressman Tom Tancredo of Colorado was more direct in describing the passage of the bill:

> "**Today the chase for electoral votes is a force for corruption and special-interest payoffs**. I will never forget the torture of sitting in the House and watching as **our 'leadership' went about threatening, bribing and breaking arms of my colleagues until they got the requisite number of votes to pass Bush's trillion-dollar Medicare prescription drug plan**. A bigger piece of garbage I have never seen—especially one being pushed by the Republican Party.

> "One could rationally ask **why, in heaven's name, the party of smaller government would push so hard for what was, at the time, the biggest increase in government since the creation of Medicare**. Alas the reason was crystal clear: **Bush needed Florida for his reelection**.

> "I wish I could say that was the only time something like that happened, but, of course, it's not. **It is part of the routine practice of buying electoral votes.** I am sick of it. **Whether it's buying Pennsylvania's electoral votes with steel tariffs or Ohio's with 'No Child Left Behind,'** it all stinks to high heaven.…"[133] [Emphasis added]

As H.L. Mencken reportedly said:

> "In politics, a man must learn to rise above principle."

Steel quotas in 2002

Medicare Part D is not the only instance when the long-standing principles and positions of a political party conflicted with the political necessities imposed by the state-by-state winner-take-all method of electing the President.

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[132] *Congressional Record*. November 21, 2003. Page H12296. https://www.govinfo.gov/content/pkg/CREC-2003-11-21/pdf/CREC-2003-11-21.pdf

[133] Tancredo, Tom. 2011. Should every vote count? *WND*. November 11, 2011. http://www.wnd.com/index.php?pageId=366929

In March 2002, President George W. Bush, the free-trade President from the free-trade party, decided to impose steel quotas.

The quotas were set to last for a three-year period (that is, until shortly after the upcoming November 2004 presidential election).

Forbes magazine described the steel quotas as

> "**seeking political advantage in steel-industry states such as Pennsylvania and West Virginia**."[134,135] [Emphasis added]

As the *New York Times* reported in an article entitled "U.S. Admits That Politics Was Behind Steel Tariffs"

> "The United States trade representative, Robert B. Zoellick, told Brazilian business leaders today that **domestic politics was behind the new American tariffs on steel imports**."[136] [Emphasis added]

The Tax Foundation found:

> "If [the 2002] round of steel tariffs has anything to teach us, it is that the long-term impact of tariffs are higher prices and … lost business, reduced employment, and slower economic growth."[137,138]

The *Washington Post* reported:

> "George W. Bush put tariffs on a lot of steel imports in March 2002. Top Bush administration officials now say that was a mistake."

> "'I don't think it was smart policy to do it, to be honest,' said Andrew H. 'Andy' Card Jr., Bush's chief of staff from 2001 to 2006. 'The results were not what we anticipated in terms of its impact on the economy or jobs.'"[139]

As Senior Editor of the *National Review* Ramesh Ponnuru later wrote:

> "Bush's **steel tariffs, though widely judged to have been an economic failure, may have helped him** narrowly carry Ohio, and thus **win reelection, in 2004**."

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[134] *Forbes*. November 11, 2003.

[135] West Virginia was a battleground state in 2004 and received 10 general-election campaign events that year. See section 1.2.5.

[136] Rich, Jennifer L. New York Times. U.S. Admits That Politics Was Behind Steel Tariffs. March 14, 2002. http://www.nytimes.com/2002/03/14/business/us-admits-that-politics-was-behind-steel-tariffs.html

[137] York, Erica. 2018. Lessons from the 2002 Bush Steel Tariffs. Tax Foundation. March 12, 2018. https://taxfoundation.org/lessons-2002-bush-steel-tariffs/

[138] Francois, Joseph and Baughman, Laura M. 2003. The Unintended Consequences of U.S. Steel Import Tariffs: A Quantification of the Impact During 2002. February 7, 2003. http://www.tradepartnership.com/pdf_files/2002jobstudy.pdf

[139] Heather Long. 2018. Remember Bush's 2002 steel tariffs? His chief of staff warns Trump not to do the same. *Washington Post*. March 6, 2018. https://www.washingtonpost.com/news/wonk/wp/2018/03/06/remember-bushs-2002-steel-tariffs-his-chief-of-staff-warns-trump-not-to-do-the-same/

> **"The political virtue of tariffs is that while the costs may exceed the benefits, the costs are diffused and the benefits concentrated**."[140] [Emphasis added]

Obama's auto industry bailout

President Barack Obama's auto bailout is another example of a policy in which "the costs are diffused and the benefits concentrated."[141]

As Professors Douglas L. Kriner and Andrew Reeves wrote in *The Particularistic President*:

> "As the [2012] election year began, **the auto bailout was hardly popular nationwide**. A February 2012 Gallup poll showed only 44 percent of Americans approving 'of the financial bailout for US automakers that were in danger of failing,' contrasted with 51 disapproving…. **But things were different in Ohio. … The November election exit polls showed nearly 60 percent of Ohio voters supporting the bailouts, and of those supporters, roughly three-quarters voted to reelect the president**."[142] [Emphasis added]

Kriner and Reeves described the political environment leading up to Obama's 2012 re-election campaign:

> "In 2004, President George W. Bush narrowly won reelection by a 286–251 votes in the Electoral College. Ohio's twenty hotly contested electoral votes provided the slender margin of victory."

> "[In 2012] the country was divided, with most states either clearly blue or plainly red. **Ohio … stood to play a deciding role in the upcoming [2012] election**." [Emphasis added]

In *Presidential Pandering*, Brian Faughnan and John Hudak discussed the bailout of the automobile industry during President Obama's first term:

> **"The focus of the program—helping auto manufacturers—involved easily identifiable electoral implications…. The benefits of action were particularly concentrated in blue collar states in the Midwest such as Ohio, Indiana, Pennsylvania, Michigan, Wisconsin, Minnesota, and Illinois**. These states are all competitive in presidential elections, with the exception of the president's home state, Illinois. In fact, **after examining the**

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[140] Ponnuru, Ramesh. 2018. Trump's Tariffs Could Clinch the Electoral College: His trade war may sink the economy but improve his chances in 2020. December 6, 2018. *Bloomberg*. https://www.bloomberg.com/opinion/articles/2018-12-06/trump-s-tariffs-could-clinch-electoral-college

[141] Ponnuru, Ramesh. 2018. Trump's Tariffs Could Clinch the Electoral College: His trade war may sink the economy but improve his chances in 2020. December 6, 2018. *Bloomberg*. https://www.bloomberg.com/opinion/articles/2018-12-06/trump-s-tariffs-could-clinch-electoral-college

[142] Kriner, Douglas L. and Reeves, Andrew. 2015. *The Particularistic President: Executive Branch Politics and Political Inequality*. New York, NY: Cambridge University Press. Pages 7–8.

> **strategy and results of the 2008 presidential election, the electoral appeal of the decision becomes clearer**."

> "This policy move signaled a forward-thinking president laying the groundwork for reelection in the environment of the permanent campaign."

> "The bailout funding came from a controversial executive branch decision to use the Trouble Asset Relief Program (TARP). The use of TARP for this purpose was not the original intent of Congress. In fact, TARP was passed shortly after Congress failed to approve a legislative auto bailout."[143] [Emphasis added]

Obama's 2009 auto industry bailout became doubly rewarding after the 2012 Republican presidential nominee was decided. As it happened, a few days after the November 2008 election—in the depths of the financial crisis—former Massachusetts Governor Mitt Romney wrote an op-ed in the *New York Times* entitled "Let Detroit Go Bankrupt."[144] This op-ed played a prominent role in Obama's 2012 campaign ads.

Frigate contract in Wisconsin

The executive branch of the federal government controls the awarding of a vast number of contracts of various types, including military contracts.

A June 2020 article entitled "Trump Says Wisconsin Shipyard's 'Location' Swayed Navy's Frigate Award" reported:

> "The U.S. Navy picked Fincantieri Marinette Marine to build its new $5.5 billion frigate, in part, because the ship maker is located in Wisconsin, President Donald Trump said Thursday."

> "'**I hear the maneuverability is one of the big factors that you were chosen for the contract**,' Trump said at an afternoon speech to shipyard workers. '**The other is your location in Wisconsin, if you want to know the truth**.'"

> "To win the frigate contract, Marinette Marine beat out shipyards owned by Huntington Ingalls Industries, Austal, and General Dynamics. Ingalls Shipbuilding is in **Mississippi** and Austal in **Alabama, both considered Trump strongholds going into the 2020 presidential election**."

> "In 2016, Trump narrowly edged out Hillary Clinton to take Wisconsin's 10 Electoral College votes."[145] [Emphasis added]

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[143] Faughnan, Brian M. and Hudak, John. 2012. *Presidential Pandering: How Elections Determine the Exercise of Executive Power in the U.S. and Colombia*. Issues in Governance Series. Brookings Institution. Number 53. November 2012. Page 5–6. https://www.brookings.edu/wp-content/uploads/2016/06/2-us-colombia-election-hudak.pdf

[144] Romney, Mitt. 2008. Let Detroit Go Bankrupt. *New York Times*. November 18, 2008. https://www.nytimes.com/2008/11/19/opinion/19romney.html?searchResultPosition=1

[145] Weisgerber, Marcus. 2020. Trump Says Wisconsin Shipyard's "Location" Swayed Navy's Frigate Award. *Defense One*. June 25, 2020. https://www.defenseone.com/policy/2020/06/trump-says-wisconsin-shipyards-location-swayed-navys-frigate-award/166460/

A defense-industry publication, *Defense One*, took note of the pre-election timing of the contract award:

> "The Navy chose the company over three rival ship makers to build the new frigate in April, months ahead of schedule. **Service officials attributed the early decision to acquisition reforms, not politics**."[146] [Emphasis added]

Tank contract in Lima, Ohio

The *Associated Press* reported in March 2019:

> "President Donald Trump on Wednesday brought his reelection campaign to Ohio—a state essential to his 2020 strategy—touring a military tank plant and telling many of its cheering workers: '**You better love me. I kept this place open**.'"

> "Trump visited the Lima Army Tank Plant, which had been at risk for closure but is now benefiting from his administration's investments in defense spending."

> "The visit is part of a 2020 Trump strategy to appear in battleground states in his official White House capacity as much as possible this year, said a person with knowledge of the plans who was not authorized to speak publicly. Trump is expected to make similar trips throughout the year.… It's a strategy employed by previous presidents."[147] [Emphasis added]

Military spending in battleground states

A *Forbes* article in 2020 entitled "Impact Of Pentagon Weapons Spending On Jobs (And Votes) In Four Battleground States" stated:

> "If recent voting patterns persist, November's presidential election is likely to be decided by results in a handful of battleground states. Because the Electoral College aggregates outcomes by state rather than nationally, a small number of voters in a few states that are up for grabs—often called 'swing states'—can determine who the next president will be."

> "Political sentiment in such states is often so evenly split that small things can have big consequences."

> "Pentagon weapons spending can potentially play such a role. Major program

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146 Weisgerber, Marcus. 2020. Trump Says Wisconsin Shipyard's "Location" Swayed Navy's Frigate Award. *Defense One*. June 25, 2020. https://www.defenseone.com/policy/2020/06/trump-says-wisconsin-shipyards-location-swayed-navys-frigate-award/166460/

147 Associated Press. 2019. Trump says Ohio workers 'better love me,' renews McCain feud. *Associated Press*. March 20, 2019. https://apnews.com/article/north-america-donald-trump-ap-top-news-elections-politics-4d62899f5d3845e3b9a7ce94218295e8

awards can be worth billions of dollars and generate thousands of jobs within a state."[148]

The *Forbes* article continued by highlighting military spending in other battleground states, including:

- Arizona with Raytheon, Motorola, Hughes Aircraft, and General Dynamics,
- Florida with Northrop Grumman, Lockheed Martin, and Pratt & Whitney,
- Pennsylvania with BAE Systems and Boeing, and
- Wisconsin with Fincantieri Marinette Marine shipyard and Oshkosh Defense.

Clean energy tax credits

In addition to grants and contracts, the executive branch of the federal government can award tax credits to promote clean energy.

The *Washington Post* reported in 2012:

> "It goes without saying that, every four years, presidential candidates shower battleground states with attention. This time around, it's Obama in Ohio, doling out the perks of office—all the time."

> "When the Obama administration awarded tax credits to promote clean energy, the $125 million taken home by Ohio companies was **nearly four times the average that went to other states**."[149] [Emphasis added]

Ricotta cheese factory in Ohio gets the Small Business Administration's largest loan

Grants, contracts, and tax credits are not the only things controlled by the Executive Branch of the federal government.

In 2011, Miceli's Dairy Products of Cleveland, Ohio, received a Small Business Administration loan for an

> "expansion of its operation … that will add 60 workers to its 138-employee work force within five years.

> "The first phase … is expected to be done by mid-2012, **enabling the company to double production of ricotta cheese**. The second phase, to be completed a few years later, includes a new mozzarella and provolone factory.

> "Those plans became a reality this week when the company was awarded a $5.49 million loan through the Small Business Administration's 504 program,

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[148] Thompson, Loren. 2020. Impact Of Pentagon Weapons Spending On Jobs (And Votes) In Four Battleground States. *Forbes*. July 30, 2020. https://www.forbes.com/sites/lorenthompson/2020/07/30/impact-of-pentagon-weapons-spending-on-jobs-and-votes-in-four-battleground-states/#6a7dccb742e4

[149] Markon, Jerry and Crites, Alice. 2012. Obama showering Ohio with attention and money. *Washington Post*. September 25, 2012. https://www.washingtonpost.com/politics/decision2012/obama-showering-ohio-with-attention-and-money/2012/09/25/8ab15a68-019e-11e2-b260-32f4a8db9b7e_story.html

which helps small businesses with plant and equipment expansion. **The loan is the largest in the program's history.**"[150] [Emphasis added]

President Obama, joined by several members of his cabinet[151] for a visit to Ohio in 2011, described the loan as:

"'**One of the tastiest investments the government has ever made,**' the president joked as he mentioned the dairy and other businesses his administration has helped in the state."[152] [Emphasis added]

Rail corridors in Florida, Ohio, Wisconsin, Michigan, North Carolina, and Virginia

Shortly after President Obama took office in 2009, Congress passed the American Recovery and Reinvestment Act of 2009.

The Obama Administration awarded significant grants to 10 rail corridors in January 2010.[153]

Five of the 10 corridors were entirely or primarily in states that were closely divided battleground states at the time, including:

- Tampa–Orlando
- Cleveland–Columbus–Cincinnati[154]
- Madison–Milwaukee–Chicago
- Pontiac–Detroit–Chicago
- Raleigh—Charlotte

Concerning the new 84-mile high-speed train connecting Tampa and Orlando:

"Critics … say **the need to link Tampa and Orlando pales in comparison with the need for** high-speed rail serving places that have received relatively little in federal economic stimulus funds for transportation projects, including **the busy Northeast rail corridor between Washington and Boston.**"[155] [Emphasis added]

Eight out of nine states served by the existing Northeast rail corridor (Massachusetts,

[150] Pledger, Marcia. 2011. Miceli Dairy Products describes plan for expansion in Cleveland. *Cleveland Plain Dealer*. January 6, 2011. https://www.cleveland.com/business/2011/01/miceli_dairy_products_describe.html

[151] CNN. Obama plugs small business at Ohio conference. February 22, 2011. http://www.cnn.com/2011/POLITICS/02/22/obama.business/index.html

[152] Markon, Jerry and Crites, Alice. 2012. Obama showering Ohio with attention and money. *Washington Post*. September 25, 2012. https://www.washingtonpost.com/politics/decision2012/obama-showering-ohio-with-attention-and-money/2012/09/25/8ab15a68-019e-11e2-b260-32f4a8db9b7e_story.html

[153] Freemark, Yonah. 2010. High-Speed Rail Grants Announced; California, Florida, and Illinois Are Lucky Recipients. *The Transport Politic*. January 28, 2010. https://www.thetransportpolitic.com/2010/01/28/high-speed-rail-grants-announced-california-florida-and-illinois-are-lucky-recipients/

[154] Markon, Jerry and Crites, Alice. 2012. Obama showering Ohio with attention and money. *Washington Post*. September 25, 2012. https://www.washingtonpost.com/politics/decision2012/obama-showering-ohio-with-attention-and-money/2012/09/25/8ab15a68-019e-11e2-b260-32f4a8db9b7e_story.html

[155] Williams, Timothy. 2011. Florida's Governor Rejects High-Speed Rail Line, Fearing Cost to Taxpayers. *New York Times*. February 16, 2011. https://www.nytimes.com/2011/02/17/us/17rail.html

Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and the District of Columbia) have not been battleground states in any recent presidential election.[156]

Although Pennsylvania, the ninth state in the so-called Acela corridor, is sometimes a battleground state in presidential elections, it was not so in the immediately upcoming 2012 election. Indeed, neither President Obama nor Vice President Biden conducted any general-election events in Pennsylvania in 2012, and they won the state handily.

Interstate 11

The quality of the highway connection between Las Vegas and Phoenix is of considerable importance to the battleground states of Arizona and Nevada.

Today, Interstate 11 is a 23-mile segment of modern highway running from the suburbs of Las Vegas to the Arizona border. The remaining 250 miles to Phoenix are served by decidedly lower-grade roads, such as route 93.

In 2016, Donald Trump campaigned at a rally in Phoenix promising:

> "My infrastructure plan will provide help for projects like the proposed Interstate 11, which would connect Phoenix with Las Vegas and other areas."[157]

The *Las Vegas Sun* reported that Trump repeated that promise to a large audience in a Nevada casino (an obvious beneficiary of tourism from Arizona):

> "**Republican presidential nominee Donald Trump put a Nevada spin on his traditional stump speech** while rallying supporters today on the Las Vegas Strip, just nine days before Election Day.
>
> "Trump, speaking to a crowd of about 8,400 at the Venetian, **promised to prioritize infrastructure development, such as the Interstate 11 project** here in Nevada … and said he would make the military purchase new fighter jets while mentioning Nellis Air Force Base."[158] [Emphasis added]

NAFTA treaty revisions and Wisconsin dairy farmers

The Canadian Broadcasting Corporation reported in September 2020:

> "Wisconsin, a swing state, will be decided not just by whether Trump wins a majority of votes in the rural, milk-producing areas—as he almost certainly will.
>
> "The other factor is whether Trump racks up enough of a lead here to offset his likely deficits in urban areas, like Milwaukee and Madison.
>
> "**And the dairy deal with Canada is central to Trump's reelection message here**.

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[156] Amtrak Acela. https://www.amtrak.com/acela-train

[157] Trump, Donald. Prepared remarks. Phoenix, Arizona. October 29, 2016.

[158] Messerly, Megan. 2016. Trump plugs Interstate 11, Nellis Air Force Base during Las Vegas rally. *Las Vegas Sun*. October 30, 2016. http://lasvegassun.com/news/2016/oct/30/trump-plugs-interstate-11-nellis-air-force -base-du/

"In speeches last month in different parts of the country, Trump promoted the new NAFTA as a turning point—he said, in one, that Canada used to take advantage of the U.S. when it came to dairy, 'but not anymore.'"[159] [Emphasis added]

Tariffs in 2017–2020

In a 2018 article entitled "Trump's Tariffs Could Clinch the Electoral College," *National Review* senior editor Ramesh Ponnuru astutely observed why the tariff issue is particularly attractive to presidential candidates:

"The political virtue of tariffs is that while the costs may exceed the benefits, **the costs are diffused and the benefits concentrated**."

"**The benefits can be concentrated geographically … in an electorally advantageous way.** Trump will probably be following a narrow path to re-election in the Electoral College, one that again runs through the industrial Midwest. He will need the renewed strong support of working-class white voters in Michigan, Wisconsin and Pennsylvania (and may make a play for their counterparts in Minnesota).… These voters are not overjoyed by the Republican tax cuts that Trump signed into law or the deregulation his administration has implemented. **Tariffs are one of the few policies Trump has pursued that directly benefit a lot of them—one of the few ways that he can illustrate that he is fighting for their material interests.**"[160] [Emphasis added]

The current state-by-state winner-take-all method of awarding electoral votes provides an effective mechanism for surgically targeting the political rewards of campaign promises concerning tariffs (or a sitting president's actions) for particular states.

Ban on off-shore oil drilling in Florida

The ban on off-shore drilling in Florida provides another example of the abandonment during a presidential campaign of a political party's long-standing position on an issue of concern to a closely divided battleground state.

A September 2020 *Politico* article reminded readers of the

"**vows by a series of Republican presidents—Ronald Reagan, George W. Bush and now Trump—to open up more of the U.S. coast to drilling to foster American energy independence.**"[161] [Emphasis added]

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[159] Panetta, Alexander. 2020. How Trump's dairy deal with Canada is viewed in swing-state Wisconsin. *Canadian Broadcasting Network News*. September 13, 2020. https://www.cbc.ca/news/world/wisconsin-dairy-canada-1.5718963

[160] Ponnuru, Ramesh. 2018. Trump's Tariffs Could Clinch the Electoral College: His trade war may sink the economy but improve his chances in 2020. December 6, 2018. *Bloomberg*. https://www.bloomberg.com/opinion/articles/2018-12-06/trump-s-tariffs-could-clinch-electoral-college

[161] Lefebvre, Ben and Colman, Zack. 2020. Trump expands oil drilling moratorium for Florida. *Politico*. September 8, 2020. https://www.politico.com/news/2020/09/08/trump-oil-drilling-florida-410042

The article then reported:

> "President Donald Trump announced on Tuesday a decade-long ban on oil drilling off the coast of Florida, Georgia and South Carolina—**a decision that surprised energy industry executives by reversing the administration's earlier pledges to open those waters to exploration**. The move, announced at a campaign appearance in Jupiter, Fla., represents an election-year victory for drilling opponents in the crucial presidential swing state, where fear of oil slicks fouling the beaches has run high for decades among people in both political parties." [Emphasis added]

Politico continued:

> "'It's a complete ambush,' said one industry official.… 'Nobody knows where this came from. It totally seems like a campaign sort of thing.'"

Yucca Mountain in Nevada

Nevada provided yet another example in 2020 of a presidential candidate abandoning his own party's long-standing position in trying to win a closely divided battleground state.

Prominent Nevada Democrats have long opposed the storage in Nevada of highly toxic nuclear waste produced in other states.[162]

As *Politico* reported in February 2020:

> "**President Donald Trump is seeking to woo Nevada voters by abandoning the GOP's decades of support for storing the nation's nuclear waste under a mountain northwest of Las Vegas**."

> "Trump, who is targeting a state that he narrowly lost to Hillary Clinton in 2016, **announced the turnabout** in a tweet this month, writing:

> 'Nevada, I hear you on Yucca Mountain and my Administration will RESPECT you!'

> "He also pledged to find 'innovative approaches to find a new place to store the 90,000 metric tons of nuclear plant leftovers stranded at 120 temporary storage sites—an impasse that is on course to cost taxpayers tens of billions of dollars.

> "The statement surprised people involved in the debate because **developing a permanent nuclear repository at Yucca has long been a priority of Republicans, and even Trump's own budget proposals in previous years had sought money to keep it alive**."[163] [Emphasis added]

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162 Ritter, Ken. 2022. Nevada wants feds to declare mothballed nuke dump plan dead. *Associated Press*. September 21, 2022. https://apnews.com/article/health-mountains-nevada-congress-23f08c52363ccfb828eff7ce10153ba1?utm_source=National+Conference+of+State+Legislatures&utm_campaign=8a27aeef88-Today_Sept_23&utm_medium=email&utm_term=0_1716623089-8a27aeef88-377929016

163 Wolff, Eric and Adragna, Anthony. 2020. Trump's Nevada play leaves nation's nuclear waste in limbo. *Politico*. February 22, 2020. https://www.politico.com/news/2020/02/22/trump-nevada-nuclear-waste-yucca-mountain-116663

Great Lakes Restoration Initiative

In 2019, *Crain's Cleveland Business* reported on President Donald Trump's

> "**change of heart on the Great Lakes Restoration Initiative**, which was launched in 2010 to accelerate efforts to protect and restore the Great Lakes, which collectively represent the country's largest system of fresh surface water.

> "Two months ago, the president wanted a 90% cut in the program. Plus, the Trump administration is hostile to all sorts of other environmental programs and regulations.… **Of course, he's just trying to collect more votes in the electoral vote-rich industrial Midwest**.

> "On Monday, May 13, Trump tweeted this: 'We must protect our Great Lakes, keeping them clean and beautiful for future generations. That's why I am fighting for $300 million in my updated budget for the Great Lakes Restoration Initiative.' **He made a similar promise about the Everglades, in the swing state of Florida**."[164] [Emphasis added]

No Child Left Behind exemptions

A *Wall Street Journal* commentary noted the pattern in federal exemptions from the No Child Left Behind law:

> "The purple state balance of the Obama administration's exemptions appears to be based on a '**no swing state left behind**' calculation."[165] [Emphasis added]

Superfund enforcement actions

In the same vein, Professor Kevin Stack of Vanderbilt University and Dr. John Hudak uncovered a similar relationship between the location of Superfund enforcement actions and a state's battleground status.[166]

FEMA and Hurricane Frances in Florida in 2004

An article entitled "Did FEMA 'Buy' Votes for Bush?" said:

> "Possibly the most egregious of [FEMA's] largely under-reported fiascos was the revelation that FEMA made 31 million dollars in questionable payments to residents of Florida's Miami-Dade County for damage from Hurricane Frances in September 2004, even though the storm caused only minimal damage in that area.

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[164] Suttell, Scott. 2019. Trump takes a 2020 turn into environmental protection—at least with respect to the Great Lakes Restoration Initiative. *Crain's Cleveland Business*. May 17, 2019. https://www.crainscleveland.com/scott-suttell-blog/trump-takes-2020-turn-environmental-protection-least-respect-great-lakes

[165] Ross, Dana. President Obama's 'No swing state left behind' policy. *Wall Street Journal On-Line*. June 5, 2012.

[166] Hudak, John Joseph and Stack, Kevin M. *The President and the Politics of Agency Enforcement: The Case of Superfund*. Conference draft. August 19, 2012.

"J. Robert Hunter, director of insurance for the Consumer Federation of America, who was a top federal flood-insurance official in the 1970s and 1980s, said that **the Frances overpayments 'are questionable given the timing of the election and Florida's importance as a battleground state**.'

"According to a report by the Department of Homeland Security's Inspector General (IG), more than eight million dollars was given to 4,300 people to rent temporary housing even though they had not asked for the money, and in many cases their homes were almost completely undamaged by the storm."

"The [Senate Homeland Security and Governmental Affairs] Committee's chairperson, Sen. Susan Collins, a Maine Republican, said, 'FEMA paid to replace thousands of televisions, air conditioners, beds and other furniture, as well as a number of cars, without receipts, or proof of ownership or damage, and based solely on verbal statements by the residents, sometimes made in fleeting encounters at fast-food restaurants. It was a pay first, ask questions later approach,' Collins added.[167] [Emphasis added]

Immigration policy and prosecutorial discretion

In 2012, President Obama upstaged one of his possible vice-presidential opponents in the upcoming election (Senator Marco Rubio) at a moment when both men were seeking to "pander to [the same] key electoral constituency."[168]

President Obama was the first to announce his support for the Deferred Action for Childhood Arrivals (DACA) policy, which then became firmly associated in the public mind with Obama.

Writing in the Brookings Institution's Issues in Governance Series, Brian Faughnan and John Hudak described the situation in the summer of 2012:

"There is no question that President Obama's strategy for reelection includes an emphasis on support and turnout among Latinos. Moreover, Latino populations are growing across the country and compose large segments of the populations of several swing states. There are 7.7 million Latinos in the nine swing states that President Obama and Governor Romney are targeting. In Colorado, Latinos make up over 18% of the population. Florida's population is 21% Latino. And more than 1 in 4 Nevadans are Latino."

"In several states, the Obama campaign believes that Latino support will make the difference in capturing electoral votes."

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[167] Fisher, William. 2005. Did FEMA "Buy" Votes for Bush?" Inter Press Service. September 12, 2005. www.ips news.net, http://www.ipsnews.net/2005/09/politics-us-did-fema-buy-votes-for-bush

[168] Faughnan, Brian M. and Hudak, John. 2012. Presidential Pandering: How Elections Determine the Exercise of Executive Power in the U.S. and Colombia. Issues in Governance Series. Brookings Institution. Number 53. November 2012. Pages 7–8. https://www.brookings.edu/wp-content/uploads/2016/06/2-us-colombia-election-hudak.pdf

"On June 15, 2012, Homeland Security Secretary Janet Napolitano, at the direction of the White House, issued a memorandum … [declaring] that undocumented individuals can apply to stay in the US without threat of deportation if they meet specific criteria.… The goal of this order was, in President Obama's words, to avoid punishing people who, 'studied hard, worked hard, maybe even graduated at the top of [their] classes—a clear reference to a story earlier in the year about an undocumented Latina student at a Miami-area high school."

"While the electoral implications of this move are clear *prima facie*, the precise timing of this memorandum provides additional evidence. **The administration issued the memorandum days before Republican Senator and then-Vice-Presidential prospect Marco Rubio (FL) planned a public introduction of similar legislation. The Obama administration capitalized on the [power of] prosecutorial discretion in order to stop a Republican Senator—a Latino himself—from introducing legislation that panders to this key electoral constituency.**[169] [Emphasis added]

Cuban policy

United States policy toward the small country of Cuba is perennially far more prominent in presidential campaigns than the country's foreign policy toward major trading partners and major military powers.

As *The Hill* reported in 2020:

"Cuban Americans are a vital constituency in Florida. There are more than 1 million Cuban Americans in the state, the vast majority of whom either themselves fled the Caribbean island after the 1959 revolution that brought Fidel Castro to power or are descended from those who did so.

"**Cuban Americans typically cast around 6 percent of all votes in Florida—a state that has been decided by 3 points or less** in the three most recent presidential elections.

"Cuban emigrés have traditionally leaned heavily Republican, unlike most other Latino groups. There are signs this is changing in younger generations, but exit polls suggest Trump won a majority of the Cuban American vote in Florida in 2016.

"The [2020 Republican National] Convention has encompassed concerted efforts to hold on to that edge; **Castro got prime-time mentions** on both

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[169] Faughnan, Brian M. and Hudak, John. 2012. Presidential Pandering: How Elections Determine the Exercise of Executive Power in the U.S. and Colombia. Issues in Governance Series. Brookings Institution. Number 53. November 2012. Pages 7–8. https://www.brookings.edu/wp-content/uploads/2016/06/2-us-colombia-election-hudak.pdf

Monday and Tuesday—**an accomplishment, of sorts, for a leader of a nation of 12 million people who died in 2016**."[170] [Emphasis added]

Steve Chapman wrote in 2014:

"**What does the Electoral College have to do with our shunning of Cuba? Plenty**. Cuban-Americans make up just 0.6 percent of the American population—hardly enough, you'd think, to warrant much notice from politicians. But they have nonetheless been able to dictate Washington's stance on Cuba.

"Why? First, because for a long time they were united in their strong antipathy toward the Castro regime. Second, because they let candidates know any deviation on that issue was a deal-breaker.

"None of this would have mattered, though, except for the Electoral College. Cuban-Americans are concentrated in Florida, where they make up more than 6 percent of the population—enough to decide an election. It's a crucial swing state that is rich in electoral votes.

"**Presidential candidates of either party knew that if they urged a less hostile policy toward the Cuban regime, they would lose the Cuban-American vote, which could mean losing Florida, which could mean losing the election. They also knew that it cost them nothing to appease the Cuba lobby, because the issue is of minor importance to anyone else.**

"So they did the politically prudent thing. As Texas A&M University political scientist George C. Edwards III, author of *Why the Electoral College Is Bad for America*, told me, 'The Electoral College allowed a minority in a large state to determine U.S. foreign policy.'"[171] [Emphasis added]

Eric Black wrote in 2012:

"A first-term president who expects to have a tough reelection fight (as they all at least expect to) but who wanted to establish diplomatic and trade relations with Cuba (broken in 1960) would have to consider the possibility that such a policy might cost him Florida and therefore a second term. Perhaps this helps explain why long after Washington normalized relations with the Soviet Union, China and other governments that formerly or presently call themselves Communists, Cuba remains on the do-not-call list."[172]

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[170] Stanage, Niall. 2020. Trump uses convention to target key states. *The Hill*. August 27, 2020. https://thehill.com/homenews/the-memo/513893-the-memo-gop-uses-convention-to-target-key-states?fbclid=IwAR3AZ88HcrXXwQiPcudtVPbqKGQ3HSrTORTReDzdVKlOrxa7NyxwjcRGT5M

[171] Chapman, Steve. 2014. The Strange Source of Our Cuba Policy: What does the Electoral College have to do with our shunning of Cuba? Plenty. December 22, 2014. *Reason*. http://reason.com/archives/2014/12/22/the-strange-source-of-our-cuba-policy

[172] Black, Eric. 2012. 10 reasons why the Electoral College is a problem. *MinnPost*. October 16, 2012. https://www.minnpost.com/eric-black-ink/2012/10/10-reasons-why-electoral-college-problem

Lobster tariffs and the European Union

Since 1969, Maine has awarded one electoral vote to the presidential candidate who receives the most popular votes in each of its two congressional districts (while awarding the state's two senatorial electoral votes to the statewide winner).

For the 11 presidential elections between 1972 and 2012, all four of Maine's electoral votes went to the same presidential candidate.

Although the state of Maine as a whole was not competitive in either 2016 or 2020, the state's 2nd congressional district (the northern part of the state) was closely divided. In fact, Donald Trump won the 2nd district in both elections (while the Democratic presidential nominee won the state's remaining three electoral votes).

In an article entitled "How Trump's attention to Maine's lobster industry might win him an electoral vote," the *Bangor Daily News* reported in August 2020:

> "**When President Trump sat down with fishermen at the Bangor airport** in June, he promised several actions to shore up the seafood industry. That included trying to lower European tariffs on American lobster that put Maine boats at a competitive disadvantage with their Canadian counterparts.

> "Political observers say that by identifying himself with the iconic, independent lobster harvester, Trump could burnish his image as a fighter for the beleaguered working class, and maybe also bolster his chances of winning a key electoral vote from Maine's red-leaning 2nd Congressional District."

> "Last week, Trump delivered. U.S. and EU trade negotiators announced a deal that, if ratified, would end the tariffs on lobster sold to member countries."[173] [Emphasis added]

Department of Transportation discretionary grants

The Department of Transportation administers a discretionary grants program for transportation infrastructure called BUILD—Better Utilizing Investments to Leverage Development.[174]

In a September 2020 article entitled "Potential swing states cash in with DOT's latest grant round," *Politico* reported that 9.1% of discretionary grants went to places with 1.4% of the nation's population:

> "Coincidentally or not, Iowa, with less than 1 percent of the U.S. population, received 4.6 percent of the BUILD grant cash. **Maine, with just 0.4 percent of the nation's population, received 4.5 percent of the money for six**

[173] Bever, Fred. 2020. How Trump's attention to Maine's lobster industry might win him an electoral vote. *Bangor Daily News.* August 25, 2020. https://bangordailynews.com/2020/08/25/politics/how-trumps-attention-to-maines-lobster-industry-might-win-him-an-electoral-vote/

[174] Department of Transportation. Better Utilizing Investments to Leverage Development (BUILD). Accessed August 20, 2022. https://www.transit.dot.gov/funding/grants/better-utilizing-investments-leverage-development-build-transportation-grants-program

> **bridge projects, primarily in the rural part of the state [where there is an] independently counted electoral vote**."[175] [Emphasis added]

President Trump tweeted about grants for Florida airports.[176]

> **Donald J. Trump** ✔
> @realDonaldTrump
>
> Great news for Florida! $3.3 million will be sent to @flyKissimmee from @USDOT for airport improvements and safety enhancements. This is so important for Central Florida and will bring a much-needed boost to the State's economy!
>
> 11:54 AM · Jul 29, 2020
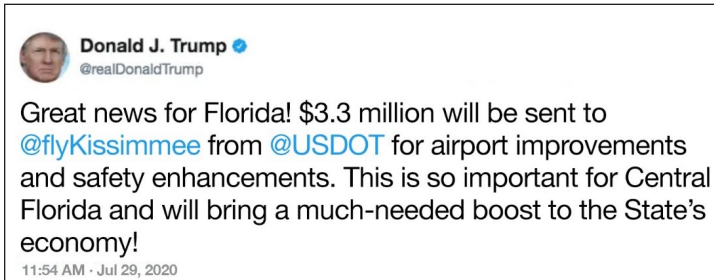
President Trump then tweeted about grants for Ohio airports.[177]

> **Donald J. Trump** ✔
> @realDonaldTrump
>
> I am designating $18.9 million from @USDOT to MANY airports in Ohio, including @goingplacescle, @CAKairport, and several others, for improvements, updates, and safety. Great for the economy and the people of Ohio!
>
> 11:54 AM · Jul 29, 2020

President Trump then tweeted about airport grants in the battleground state of Pennsylvania.[178]

> **Donald J. Trump** ✔
> @realDonaldTrump
>
> I am designating $18.77M from @USDOT for 7 airports across Pennsylvania. @PITairport, Northeast Philadelphia Airport, Erie International Airport, and others around the State. GREAT news for a GREAT State!
>
> 11:53 AM · Jul 29, 2020

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[175] Snyder, Tanya. 2020. Potential swing states cash in with DOT's latest grant round. *Politico*. September 17, 2020. https://www.politico.com/news/2020/09/17/potential-swing-states-cash-in-with-dots-latest-grant-round-417057?fbclid=IwAR17G6T5p8rJGL91TBggeZ-PelsoMcUvDiXhJAp7SGWo7o9JXbtLASM6Cpo https://www.politico.com/news/2020/09/17/potential-swing-states-cash-in-with-dots-latest-grant-round-

[176] Trump, Donald J. 2020. Tweet. July 29, 2020. https://twitter.com/realDonaldTrump/status/1288503057999749121

[177] Trump, Donald J. 2020. Tweet. July 29, 2020. https://twitter.com/realDonaldTrump/status/1288503162404397061

[178] Trump, Donald J. 2020. Tweet. July 29, 2020. https://twitter.com/realDonaldTrump/status/1288502990790863 9105

Infrastructure projects

Airports are not the only infrastructure projects that Presidents talk about in election years. In January 2024, the *New York Times* reported:

> "President Biden, who traveled to the shores of a bay near Lake Superior on Thursday to stand at the foot of the Blatnik Bridge, a structure that his administration said would have failed by 2030 without a $1 billion infusion provided by the bipartisan infrastructure law that Mr. Biden championed."

> "Mr. Biden and his advisers believe projects like the Blatnik, taking place in the backyards of Americans living **in battleground states like Wisconsin**, could be enough to bolster optimism and overcome pervasive skepticism about the state of the economy.

> "In his event, Mr. Biden talked about **the $6.1 billion that had been invested in Wisconsin** and the $5.7 billion in Minnesota, located just over the bridge, which supports agriculture, shipping and forestry industries in the upper Midwest."[179] [Emphasis added]

Hurricane Maria in Puerto Rico

Puerto Ricans are American citizens. When they reside in Puerto Rico, they have no vote for President. However, when they move to any of the 50 states or the District of Columbia, they become eligible to vote.

Large numbers of Puerto Ricans moved to Florida after Hurricane Maria in 2017—increasing Florida's population by about five percent.

In September 2020, the *Washington Post* reported:

> "After Hurricane Maria devastated Puerto Rico in 2017, President Trump repeatedly balked at the idea of sending more aid to the U.S. territory, citing its demonstrated history of corruption.

> "On Friday, Trump apparently got over whatever hang-ups he had about that corruption at an extremely convenient time—for Trump.

> "The administration just announced it has released $13 billion in Federal Emergency Management Agency (FEMA) grants for Puerto Rico's education and electrical systems."

> "The grants come a month and a half before the 2020 election, with polls suggesting Trump's opponent Joe Biden lags behind past Democratic candidates on the Hispanic vote—and with Puerto Rican voters playing a particularly large role in the all-important swing state of Florida, which polls show currently rests on a razor's edge.[180]

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[179] Rogers, Katie. 2024. Taking on Trump, Biden Promotes 'Infrastructure Decade' in Wisconsin. *New York Times*. January 25, 2024. https://www.nytimes.com/2024/01/25/us/politics/taking-on-trump-biden-promotes-infrastructure-decade-in-wisconsin.html

[180] Blake, Aaron. 2020. Trump's Puerto Rico aid reversal is very conveniently timed—for Trump. *Washington Post*. September 18, 2020. https://www.washingtonpost.com/politics/2020/09/18/trumps-puerto-rico-aid-reversal-is-very-conveniently-timed-trump/

No-sail order for cruise ships during COVID

In the midst of the COVID pandemic in September 2020,

> "The White House has blocked a new order from the Centers for Disease Control and Prevention to keep cruise ships docked until mid-February, **a step that would have displeased the politically powerful tourism industry in the crucial swing state of Florida**.

> "The current 'no sail' policy, which was originally put in place in April and later extended, is set to expire on Wednesday. Dr. Robert R. Redfield, the director of the C.D.C., had recommended the extension, worried that cruise ships could become viral hot spots, as they did at the beginning of the pandemic."[181] [Emphasis added]

The early 2024 campaign

The opening months of the 2024 presidential campaign produced a number of examples of how an incumbent President pays close attention to battleground states.

A *Politico* article in 2024 entitled "Biden Deploys $6.6B to Boost Global Chipmaker in Key Swing State" describes a grant under the CHIPS Act to the Taiwan Semiconductor Manufacturing Company for a new plant in the closely divided state of Arizona.[182]

A *New York Times* article in 2024 entitled "Federal Money Is All Over Milwaukee. Biden Hopes Voters Will Notice" describes the Biden Administration's activities in the closely divided state of Wisconsin.[183]

A *Politic*o article in 2024 entitled "The Rust Belt road to the White House" reported:

> "It's long been assumed in Washington that President Joe Biden's international trade policy is driven almost exclusively by electoral anxiety — specifically, anxiety over the Rust Belt states that Donald Trump flipped in 2016.

> "Early in the administration, we reported that U.S. Trade Representative Katherine Tai told her colleagues that she believes free trade policies—specifically, the defunct Trans-Pacific Partnership—were a key reason Hillary Clinton's Midwestern 'blue wall' came crumbling down during that election.

> "That fear has animated just about every trade policy decision she and the White House have made since—from preserving Trump's tariffs on China to walking away from their own Asia-Pacific trade talks last year at the urging of Midwestern Democrats.

[181] Kaplan, Sheila. 2020. White House Blocked C.D.C. Order to Keep Cruise Ships Docked: The C.D.C. director wanted a "no sail" order extended until February, a policy that would have upset the tourism industry in the crucial swing state of Florida. *New York Times*. September 30, 2020. https://www.nytimes.com/2020/09/30/health/COVID-cruise-ships.html

[182] Mui, Christine. 2024. Biden deploys $6.6B to boost global chipmaker in key swing state. *Politico*. April 8, 2024. https://www.politico.com/news/2024/04/08/biden-funding-taiwan-chipmaker-arizona-00150991

[183] DePillis, Lydia. 2024. Federal Money Is All Over Milwaukee. Biden Hopes Voters Will Notice. *New York Times*. May 1, 2024. https://www.nytimes.com/2024/05/01/business/economy/federal-money-milwaukee-biden.html

"But now, as Biden nears a rematch with Trump, that electoral angst over trade is reaching a fever pitch—both for the president and the Midwestern senators who will join him on the ballot this November.

"The latest flashpoint: U.S. Steel's proposed acquisition by Japanese rival Nippon Steel."[184]

In a March 2024 op-ed entitled "The 2024 Presidential Election Comes Down to Only Seven States." Republican strategist Karl Rove listed only Arizona, Georgia, Michigan, Nevada, North Carolina, Pennsylvania and Wisconsin as battleground states. Rove said:

"That the 2024 race has so few battlegrounds will have huge consequences for how the election plays out. **Each candidate will concentrate his travel, organization, and hundreds of millions of dollars in advertising in those seven states**. The only reasons for either to go to non-battleground states will be to raise money, sleep in his own bed, participate in debates (if they happen) or attend events with national impact.

"That there are so few battlegrounds will put more pressure on candidates to focus on issues specific to those seven states. In Michigan, they'll talk about the auto industry; in Pennsylvania, natural-gas production. In Nevada, candidates must explain their view on the Yucca Mountain nuclear-waste facility, while in Arizona, besides the border, water issues will matter."[185] [Emphasis added]

Harris' July 2024 vice-presidential choice

After Biden's unexpected withdrawal from the 2024 presidential race on July 21, 2024, Vice President Kamala Harris quickly cleared the field of potential rivals for the Democratic presidential nomination.

In reviewing Harris' possible choices for the Vice President, the *Washington Post* profiled potential running mates on July 23 and asked

"what they would … bring to the ticket."[186]

Concerning Governor Josh Shapiro of Pennsylvania (with 19 electoral votes), the *Post* article noted:

"Perhaps nobody in the Democratic Party right now is a bigger rising star, and **perhaps nobody on this list could do more to help Harris win lots of**

[184] Bade, Gavin. 2024. The Rust Belt road to the White House. *Politico*. March 22, 2024. https://www.politico.com/newsletters/politico-nightly/2024/03/22/the-rust-belt-road-to-the-white-house-00148677

[185] Rove, Karl. 2024. The 2024 Presidential Election Comes Down to Only Seven States. *Wall Street Journal*. March 20, 2024. https://www.wsj.com/articles/2024-presidential-election-comes-down-to-only-seven-states-65887e6a?mod=hp_opin_pos_3#cxrecs_s

[186] Blake, Aaron. 2024. Seven options for Harris's VP pick, broken down. *Washington Post*. July 23, 2024. https://www.washingtonpost.com/politics/2024/07/23/kamala-harris-vp-pick/

electoral votes (19) in a key state. Shapiro won his 2022 campaign by nearly 15 points."[187] [Emphasis added]

Concerning U.S. Senator Mark Kelly of Arizona (with 11 electoral votes), the article observed:

"Kelly also **comes from a swing state** that Democrats won in 2020 for just the second time since 1948." [Emphasis added]

Concerning Governor Roy Cooper of North Carolina (15 electoral votes), the article said:

"Most striking, Cooper has **won five statewide campaigns** the same years that Republicans have carried North Carolina at the presidential level. **He over-performed Biden's margin by six points in 2020**." [Emphasis added]

Concerning Governor Tim Walz of Minnesota (10 votes), the article said:

"Minnesota is looking more competitive than usual."

Indeed, Donald Trump lost Minnesota by a slender 51%–49% vote in 2016. He has repeatedly mentioned it as a state he hoped to win in 2024. Vice President Kamala Harris' designation of Walz as her running mate likely solidified her position in Minnesota in 2024.

Bank merger in Texas in 1964

Between 1872 and 1948, Texas voted Democratic in presidential elections with the sole exception of 1928. However, it voted Republican for President in 1952 and 1956.

The selection of Texas Senator Lyndon B. Johnson to be John F. Kennedy's vice-presidential running mate at the 1960 Democratic National Convention was motivated, in large part, by the hope of returning the 24 electoral votes of Texas to the Democratic column.

That hope was realized when the Kennedy-Johnson ticket carried Texas—with 50.5% of the vote in November 1960.

As the 1964 election approached, polls indicated that Texas continued to be a closely divided battleground state. In fact, the political precariousness of Texas occasioned President Kennedy's first and tragically last campaign trip of the 1964 campaign, namely his trip to Texas on November 21 and 22, 1963.

Five weeks later—during the week after Christmas—President Johnson held a meeting at his Texas ranch with politically important Houston businessman John T. Jones, Jr.

Jones was both the president of the Houston National Bank of Commerce and the president of the state's largest newspaper—the *Houston Chronicle*.

The *Chronicle* had endorsed the Republican Nixon-Lodge ticket over the Democratic Kennedy-Johnson ticket in 1960. The paper continued as a relentless critic of Johnson after that election.

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[187] *Ibid*. All the remaining quotes in this sub-section are from the same *Washington Post* article.

As Robert Caro related in his book *The Years of Lyndon Johnson: The Passage of Power*, President Johnson told a Texas businessman involved in the December 1963 discussions between Johnson and Jones:

> "This fellow here [Jones] is important to us and **we've got to carry this state**."[188] [Emphasis added]

As it happened, Jones' bank wanted to merge with another bank in Houston.

However, earlier in 1963—before Johnson became President—both the Federal Reserve Bank and the Antitrust Division of the Department of Justice had gone on record vigorously opposing the merger because of its adverse effect on competition.

As Robert Caro relates in his book:

> "With the Federal Reserve and Justice opposed, presidential intervention would be necessary to obtain the approval. And Johnson wanted Jones to pay for the intervention—with the written guarantee of the newspaper's support."[189]

Johnson received the requested written assurance of support from the newspaper in early January 1964, and he quickly approved the bank merger.

Civil War mortality rates

In a study entitled "Political influence on civil war mortality rates: The electoral college as a battlefield,"[190] Gary M. Anderson and Robert D. Tollison

> "examine[d] the allocation of Civil War causalities across the northern states. Given that the northern troops were organized by states and that President Lincoln sought to be reelected, these authors found that northern causalities were partly determined by electoral votes in 1864. **Troops from close states were much less likely to suffer causalities**."[191] [Emphasis added]

Connection between presidential vetoes and positions of U.S. Senators from large battleground states

Broadly speaking, U.S. Senators tend to reflect the views of the voters of their state.

Almost all presidential electors (530 out of 538) are elected by the same constituencies that elect U.S. Senators.[192] That is, Presidents are elected from U.S. Senate districts (weighted by the state's number of electoral votes).

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[188] Caro, Robert C. 2012. *The Years of Lyndon Johnson: The Passage of Power*. New York, NY: Alfred A. Knopf. Page 526.

[189] Caro, Robert C. 2012. *The Years of Lyndon Johnson: The Passage of Power*. New York, NY: Alfred A. Knopf. Page 524.

[190] Anderson, Gary M. and Tollison, Robert D. 1991. Political influence on civil war mortality rates: The electoral college as a battlefield. *Defence Economics*. Volume 2. Number 3. Pages 219–233. http://dx.doi.org/10.1080/10430719108404694

[191] Voting in U.S. Presidential Elections. *What When How*. http://what-when-how.com/public-choice/voting-in-u-s-presidential-elections-public-choice/ Accessed August 18, 2022.

[192] The eight presidential electors whose voters do not coincide with state boundaries are in the District of Columbia (with three electoral votes), Maine (where two electors are elected by congressional district), and Nebraska (where three electors are elected by congressional district).

Admittedly, numerous factors influence whether a President signs or vetoes a bill passed by Congress.

Nonetheless, Professors Grier, McDonald, and Tollison[193] explored the correlation between a sitting President's decision to sign or veto a bill and the positions taken on the bill by Senators from closely divided battleground states.

"[They studied whether] winner-take-all voting in states and the unequal distribution of electoral votes across states in presidential elections makes incumbent **presidents rationally place more weight on the preference of voters in closely contested, larger states when making policy decisions**.

"They tested this hypothesis by examining whether presidential veto decisions are influenced by the floor votes of Senators from these electorally crucial states. In a pooled sample of 325 individual bills from 1970 through 1988, they found significant evidence of this behavior by incumbent presidents. That is, **the more Senators from electorally important states oppose a bill, the more likely the president is to veto it**, even when controlling for a wide variety of conditioning variables, including the overall vote on the bill."[194] [Emphasis added]

Additional impact of travel on governance

Former Illinois Governor Jim Edgar (R) observed in 2011:

"**People who are in elected office remember what they learned when they were campaigning**."

"After serving in government, I learned first-hand how important it is for the candidate to know the district, or the state, or the nation they're running in. And know all of it, not just parts of it. And it's even more important after the election."

"**When you're governing,** when you're doing your duty, **you remember particularly where you campaigned. You remember who you met during the campaign. You remember the issues that were raised. It's just human nature. You're going to remember that, because that was very important to you during the campaign.**"

"We need a President who is a President for all the nation—not just the battleground states."[195] [Emphasis added]

Of course, three out of four states and 70% or more of the voters in the United States will not be "remembered"—because presidential candidates simply ignore them in the general-election campaign.

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[193] Grier, Kevin B., McDonald, Michael, and Tollison, Robert D. 1995. Electoral Politics and the Executive Veto: A Predictive Theory. *Economic Inquiry*. Volume 33, Issue 3. Pages 427–440. July 1995. https://onlinelibrary.wiley.com/doi/epdf/10.1111/j.1465-7295.1995.tb01872.x

[194] Voting in U.S. Presidential Elections. *What When How*. http://what-when-how.com/public-choice/voting-in-u-s-presidential-elections-public-choice/ Accessed August 18, 2022.

[195] Press conference at the National Press Club in Washington D.C. on May 12, 2011. http://www.nationalpopularvote.com/pages/misc/hl_20110514_thompson-culver-edgar.php

1.2.9. Travel patterns of a President seeking re-election

Closely divided battleground states start exerting their magnetic attraction shortly after a newly elected President's inauguration.

Presidential travel in a President's first year

The *Washington Post* reported in June 2009 that 14 of the 16 travel destinations during Obama's first five months in office were located in closely divided states.

> "During his first five months in office, **public policy and electoral politics have come together seamlessly in his domestic travel itinerary**. On nearly every trip he has taken, **Obama has followed the timeworn path of presidential travel—go where the votes matter most**….
>
> "Of the 16 states Obama has visited, nine shifted from the Republican to Democratic column in 2008. Five of the states are among the six that posted the narrowest margins of victory for either Obama or Sen. John McCain (R-Ariz.), and are **likely to remain the most closely divided through the coming campaign cycles**."[196] [Emphasis added]

Presidential travel is, of course, motivated by a wide variety of factors.

Many presidential trips are scheduled at the last minute in response to unexpected events, such as funerals, natural disasters, and man-made disasters (e.g., shootings, acts of terrorism).

However, a great many other presidential trips are pre-planned appearances for purposes such as commemorating historical events, opening major new facilities, and attending important meetings.

While certainly not all presidential travel is influenced by battleground states,[197] the battleground states are major attractions.

Presidential travel in the year before re-election

The allure of the closely divided battleground states increases as the next presidential election approaches.

In his 2012 book *The Rise of the President's Permanent Campaign*,[198] Professor Brendan Doherty of the United States Naval Academy tracked presidential travels for three incumbents during the year *before* their re-election campaigns:

- President Bill Clinton in 1995,
- President George W. Bush in 2003, and
- President Barack Obama in 2011.

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[196] Wilson, Scott. Obama's travel mixes policy, politics: States with close electoral results getting most of his visits. *Washington Post*. June 21, 2009.

[197] A President's home and preferred vacation spots (e.g., President George W. Bush's trips to his ranch in Texas, Obama's vacations in Hawaii, Trump's trips to his golf courses in Florida and New Jersey, and Biden's visit to his home in Delaware) are, of course, not dictated by politics.

[198] Doherty, Brendan J. 2012. *The Rise of the President's Permanent Campaign*. Lawrence, KS: University Press of Kansas.

Table 1.21 Presidential travel during the year before their re-election

State	Clinton 1995	Bush 2003	Obama 2011	State	Clinton 1995	Bush 2003	Obama 2011
Alabama	0	1	1	Nebraska	0	1	0
Alaska	0	0	0	Nevada	0	1	2
Arizona	0	2	1	New Hampshire	1	1	1
Arkansas	9	2	0	New Jersey	2	2	1
California	13	8	8	New Mexico	0	2	0
Colorado	3	2	3	New York	4	3	12
Connecticut	2	2	1	North Carolina	1	3	5
Delaware	0	0	1	North Dakota	0	0	0
Florida	3	5	4	Ohio	2	5	4
Georgia	3	3	0	Oklahoma	1	0	0
Hawaii	4	1	4	Oregon	1	1	1
Idaho	0	0	0	Pennsylvania	3	6	8
Illinois	4	3	4	Rhode Island	0	0	0
Indiana	0	2	1	South Carolina	0	2	0
Iowa	4	0	3	South Dakota	0	0	0
Kansas	0	0	1	Tennessee	1	2	1
Kentucky	0	2	1	Texas	3	8	2
Louisiana	0	0	0	Utah	0	0	0
Maine	0	1	0	Vermont	1	0	0
Maryland	NA	NA	6	Virginia	NA	NA	14
Massachusetts	2	0	4	Washington	0	1	1
Michigan	1	5	4	West Virginia	0	1	0
Minnesota	1	2	2	Wisconsin	0	1	1
Mississippi	0	2	0	Wyoming	3	0	0
Missouri	0	5	2	**Total**	**74**	**88**	**104**
Montana	2	0	0				

Table 1.21 shows, for each state, the distribution of presidential travel during the year before the re-election campaigns of these three Presidents.[199]

The states likely to be closely divided in the upcoming election are a major influence on presidential travel in the year before the election.

Recall that all of the general-election campaign events in 2012 were in just 12 closely divided battleground states (containing 30% of the nation's population). Also recall that all 12 of those states had been closely divided in 2008. Thus, it was hardly surprising that, in 2011, the Obama campaign organization (correctly) surmised that the outcome of the 2012 presidential election would be largely determined by those same states.

Given the enormous variety of reasons for presidential travel, it is striking that *almost half* (49%) of all presidential travel in 2011 was to the particular 12 states that ended up receiving all of the general-election campaign events in 2012.

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[199] The authors gratefully acknowledge Professor Brendan Doherty of the United States Naval Academy for permission to include data on presidential travel found in the table.

Table 1.22 shows the distribution of presidential travel away from Washington, D.C., in 2011.

- Column 2 shows each state's 2010 resident population,[200] and column 3 shows each state's percentage share of the population of the 50 states. Note that the District of Columbia is not included in this table because Professor Doherty did not consider events in the District by a sitting President as "travel."
- Column 4 is the number of President Obama's visits away from Washington, D.C., in 2011 (that is, the same information as in column 4 of table 1.21).
- Column 5 shows each state's percentage share of the 104 presidential trips in 2011.
- Column 6 shows the "index" of 2011 presidential travel in relation to state population. The index is computed by dividing a state's share of presidential visits (column 5) by its share of the nation's population (column 3), and then multiplying by 100. An index above 100 means that a state received proportionately more visits than its share of the nation's population. Conversely, an index below 100 indicates that a state received proportionately fewer visits.

The table is sorted by the index (column 6), thereby placing the states receiving more attention than their population alone would warrant at the top of the table.

The 12 battleground states that attracted 100% of the campaign events in 2012 are highlighted in bold.

A quick glance at the table shows the following:

- Ten of the 12 closely divided battleground states of 2012 (in bold) had an index above 100 in the table—that is, their share of the 104 visits was greater than warranted by their share of the nation's population.
- None of the 12 battleground states of 2012 was ignored in 2011.
- Nineteen states (containing one in six Americans) were ignored during 2011.[201]

The mesmerizing attraction of the battleground states is more clearly shown in table 1.23 cataloging the travel in the year before the presidential election to the 12 states that eventually accounted for 100% of the general-election campaign events in 2012.

Thus, in total, 49% of the presidential trips away from Washington in 2011 (51 of the 104) were to the 12 closely divided battleground states of 2012, even though they contained only 30% of the population of the 50 states.

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[200] https://www.census.gov/data/tables/2010/dec/2010-apportionment-data.html

[201] In fact, seven states did not receive any presidential travel in 1995, 2003, and 2011, namely Alabama, Idaho, Louisiana, North Dakota, Rhode Island, South Dakota, and Utah. Seven additional states did not receive any campaign events in two of those three years, namely Maine, Mississippi, Montana, Nebraska, New Mexico, Oklahoma, and South Carolina. Arkansas would also be on that list except for the fact that President Bill Clinton's home state was Arkansas (and hence received nine of Clinton's visits in 1995).

Table 1.22 President Obama's travels in 2011

State	Population	Share of 50-state population	Obama trips 2011	Share of Obama 2011 trips	Index
Hawaii	1,360,301	0.44%	4	3.85%	871
Virginia	**8,001,024**	**2.60%**	**14**	**13.46%**	**518**
Delaware	897,934	0.29%	1	0.96%	330
Maryland	5,773,552	1.87%	6	5.77%	308
Iowa	**3,046,355**	**0.99%**	**3**	**2.88%**	**292**
New Hampshire	**1,316,470**	**0.43%**	**1**	**0.96%**	**225**
Nevada	**2,700,551**	**0.88%**	**2**	**1.92%**	**219**
Pennsylvania	**12,702,379**	**4.12%**	**8**	**7.69%**	**187**
New York	19,378,102	6.29%	12	11.54%	183
Massachusetts	6,547,629	2.12%	4	3.85%	181
Colorado	**5,029,196**	**1.63%**	**3**	**2.88%**	**177**
North Carolina	**9,535,483**	**3.09%**	**5**	**4.81%**	**155**
Michigan	**9,883,640**	**3.21%**	**4**	**3.85%**	**120**
Minnesota	**5,303,925**	**1.72%**	**2**	**1.92%**	**112**
Kansas	2,853,118	0.93%	1	0.96%	104
Ohio	**11,536,504**	**3.74%**	**4**	**3.85%**	**103**
Missouri	5,988,927	1.94%	2	1.92%	99
Illinois	12,830,632	4.16%	4	3.85%	92
Connecticut	3,574,097	1.16%	1	0.96%	83
Oregon	3,831,074	1.24%	1	0.96%	77
Kentucky	4,339,367	1.41%	1	0.96%	68
California	37,253,956	12.09%	8	7.69%	64
Florida	**18,801,310**	**6.10%**	**4**	**3.85%**	**63**
Alabama	4,779,736	1.55%	1	0.96%	62
Wisconsin	**5,686,986**	**1.85%**	**1**	**0.96%**	**52**
Tennessee	6,346,105	2.06%	1	0.96%	47
Arizona	6,392,017	2.07%	1	0.96%	46
Indiana	6,483,802	2.10%	1	0.96%	46
Washington	6,724,540	2.18%	1	0.96%	44
New Jersey	8,791,894	2.85%	1	0.96%	34
Texas	25,145,561	8.16%	2	1.92%	24
Alaska	710,231	0.23%	0	0.00%	0
Arkansas	2,915,918	0.95%	0	0.00%	0
Georgia	9,687,653	3.14%	0	0.00%	0
Idaho	1,567,582	0.51%	0	0.00%	0
Louisiana	4,533,372	1.47%	0	0.00%	0
Maine	1,328,361	0.43%	0	0.00%	0
Mississippi	2,967,297	0.96%	0	0.00%	0
Montana	989,415	0.32%	0	0.00%	0
Nebraska	1,826,341	0.59%	0	0.00%	0
New Mexico	2,059,179	0.67%	0	0.00%	0
North Dakota	672,591	0.22%	0	0.00%	0
Oklahoma	3,751,351	1.22%	0	0.00%	0
Rhode Island	1,052,567	0.34%	0	0.00%	0
South Carolina	4,625,364	1.50%	0	0.00%	0
South Dakota	814,180	0.26%	0	0.00%	0
Utah	2,763,885	0.90%	0	0.00%	0
Vermont	625,741	0.20%	0	0.00%	0
West Virginia	1,852,994	0.60%	0	0.00%	0
Wyoming	563,626	0.18%	0	0.00%	0
Total	**308,143,815**	**100.00%**	**104**	**100.00%**	**100**

Table 1.23 President Obama's travels in 2011 to the 12 battleground states of 2012

State	Population	Share of 50-state population	Obama trips 2011	Share of Obama 2011 trips	Index
Virginia	8,001,024	2.60%	14	13.46%	518
Iowa	3,046,355	0.99%	3	2.88%	292
New Hampshire	1,316,470	0.43%	1	0.96%	225
Nevada	2,700,551	0.88%	2	1.92%	219
Pennsylvania	12,702,379	4.12%	8	7.69%	187
Colorado	5,029,196	1.63%	3	2.88%	177
North Carolina	9,535,483	3.09%	5	4.81%	155
Michigan	9,883,640	3.21%	4	3.85%	120
Minnesota	5,303,925	1.72%	2	1.92%	112
Ohio	11,536,504	3.74%	4	3.85%	103
Florida	18,801,310	6.10%	4	3.85%	63
Wisconsin	5,686,986	1.85%	1	0.96%	52
Total	**93,543,823**	**30.36%**	**51**	**49.03%**	**161**

Presidential travel in the first six months of a re-election year

Incumbent Presidents who seek re-election generally do not encounter serious challenges for re-nomination. This pattern prevailed in both 2020 and 2012.

Meanwhile, the opposing party typically spends the first half of a re-election year with contested primaries and caucuses to determine its presidential nominee.

In 2020, President Donald Trump made 49 domestic trips in the first six months of the year, and 53% of these visits (26 out of 49) were to the dozen states that turned out to be the battleground states of 2020 (section 1.2.1).

Table 1.24 shows President Trump's travels in the first six months of 2020. The dozen battleground states of 2020 are highlighted in bold. The table is sorted by the index (column 6).[202]

As can be seen in the table, 11 of the 12 battleground states of 2020 received one or more presidential visits in the first six months of 2020.

Nine of the 12 battleground states had an index above 100—that is, their share of the 49 visits was greater than their share of the nation's population.

Note that President Trump made one visit to Bangor, Maine, during this period. Maine is one of the states that awards electoral votes by congressional district, and Bangor is located in the state's closely divided 2nd congressional district. President Trump carried this district in 2016 and again in November 2020, and thereby received one of Maine's electoral votes. Meanwhile, the Democratic presidential nominee carried the state as a whole and the 1st congressional district in both 2016 and 2020.

The pattern of travel for an incumbent President seeking re-election was similar during the first six months of 2012—that is, President Obama's re-election year.

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[202] *Wikipedia*. List of presidential trips made by Donald Trump (2020–2021). Accessed August 20, 2022. https://en.wikipedia.org/wiki/List_of_presidential_trips_made_by_Donald_Trump

Table 1.24 President Trump's travels in the first six months of 2020

State	Population	Share of 50-state population	Trump trips in first half of 2020	Share of trips	Index
Delaware	897,934	0.29%	1	2.04%	704
Nevada	**2,700,551**	**0.88%**	**3**	**6.12%**	**696**
Maine	1,328,361	0.43%	1	2.04%	475
New Hampshire	**1,316,470**	**0.43%**	**1**	**2.04%**	**475**
Virginia	8,001,024	2.60%	5	10.20%	392
Maryland	5,773,552	1.87%	3	6.12%	327
Arizona	**6,392,017**	**2.07%**	**3**	**6.12%**	**296**
Florida	**18,801,310**	**6.10%**	**8**	**16.33%**	**268**
Wisconsin	**5,686,986**	**1.85%**	**2**	**4.08%**	**221**
New Jersey	8,791,894	2.85%	3	6.12%	215
Iowa	**3,046,355**	**0.99%**	**1**	**2.04%**	**206**
Oklahoma	3,751,351	1.22%	1	2.04%	167
Louisiana	4,533,372	1.47%	1	2.04%	139
South Carolina	4,625,364	1.50%	1	2.04%	136
North Carolina	**9,535,483**	**3.09%**	**2**	**4.08%**	**132**
Michigan	**9,883,640**	**3.21%**	**2**	**4.08%**	**127**
Colorado	5,029,196	1.63%	1	2.04%	125
Pennsylvania	**12,702,379**	**4.12%**	**2**	**4.08%**	**99**
Tennessee	6,346,105	2.06%	1	2.04%	99
Georgia	**9,687,653**	**3.14%**	**1**	**2.04%**	**65**
Ohio	**11,536,504**	**3.74%**	**1**	**2.04%**	**55**
Texas	25,145,561	8.16%	2	4.08%	50
California	37,253,956	12.09%	2	4.08%	34
New York	19,378,102	6.29%	1	2.04%	32
Alabama	4,779,736	1.55%		0.00%	0
Alaska	710,231	0.23%		0.00%	0
Arkansas	2,915,918	0.95%		0.00%	0
Connecticut	3,574,097	1.16%		0.00%	0
Hawaii	1,360,301	0.44%		0.00%	0
Idaho	1,567,582	0.51%		0.00%	0
Illinois	12,830,632	4.16%		0.00%	0
Indiana	6,483,802	2.10%		0.00%	0
Kansas	2,853,118	0.93%		0.00%	0
Kentucky	4,339,367	1.41%		0.00%	0
Massachusetts	6,547,629	2.12%		0.00%	0
Minnesota	**5,303,925**	**1.72%**		**0.00%**	**0**
Mississippi	2,967,297	0.96%		0.00%	0
Missouri	5,988,927	1.94%		0.00%	0
Montana	989,415	0.32%		0.00%	0
Nebraska	1,826,341	0.59%		0.00%	0
New Mexico	2,059,179	0.67%		0.00%	0
North Dakota	672,591	0.22%		0.00%	0
Oregon	3,831,074	1.24%		0.00%	0
Rhode Island	1,052,567	0.34%		0.00%	0
South Dakota	814,180	0.26%		0.00%	0
Utah	2,763,885	0.90%		0.00%	0
Vermont	625,741	0.20%		0.00%	0
Washington	6,724,540	2.18%		0.00%	0
West Virginia	1,852,994	0.60%		0.00%	0
Wyoming	563,626	0.18%		0.00%	0
Total	**308,143,815**	**100.00%**	**49**	**100.00%**	**100**

In 2012, President Obama made 31 domestic trips in the first six months of the year, and 68% of them (21 out of 31) were to the states that turned out to be the dozen battleground states of 2012 (section 1.2.3).

Table 1.25 shows Obama's domestic travels in the first six months of 2012. The dozen battleground states of 2012 are highlighted in bold. The table is sorted by the index (column 6).[203]

As can be seen in the table, 10 of the 12 battleground states of 2020 received one or more presidential visits in the first six months of 2012.

Ten of the 12 battleground states had an index above 100—that is, their share of the 31 visits was greater than their share of the nation's population.

Cabinet travel

The travel patterns of a President seeking re-election are mirrored by other administration officials.

Politico pointed out that roughly half of travel by cabinet members was to battleground states in the first five months of 2012.

> "A half-dozen Cabinet members have made more than 85 trips this year to electoral battlegrounds such as Colorado, Florida, Nevada, North Carolina, Ohio and Pennsylvania, according to a *Politico* review of public speeches and news clippings. Those **swing-state visits represent roughly half of all travel for those six Cabinet officials this year**."[204] [Emphasis added]

An article entitled "Trump's Energy And Environment Chiefs Have Been Keeping Busy In States That Just Happen To Be Key To Trump's Reelection" reported that Energy Secretary Dan Brouillette and Interior Secretary David Bernhardt (along with Environmental Protection Agency Administrator Andrew Wheeler) traveled to battleground states, including Florida, Pennsylvania, Ohio, Nevada, North Carolina, Georgia, and Wisconsin during October 2020.[205]

Presidential interviews with local news stations

The *Wall Street Journal* observed that a majority of presidential interviews with local news stations were in battleground states.

> "Mr. Obama also has granted about 50 interviews [in 2011] with local news outlets, **the majority from swing states**."[206] [Emphasis added]

[203] *Wikipedia*. List of presidential trips made by Barack Obama (2012). Accessed August 30, 2022. https://en.wikipedia.org/wiki/List_of_presidential_trips_made_by_Barack_Obama_(2012)

[204] Samuelsohn, Darren. Obama's cabinet members mix policy, politics. *Politico*. June 7, 2012.

[205] Hirji, Zahra.2020. Trump's Energy And Environment Chiefs Have Been Keeping Busy In States That Just Happen To Be Key To Trump's Reelection. *BuzzFeedNews*. October 29, 2020. https://www.buzzfeednews.com/article/zahrahirji/energy-environment-swing-states-fracking

[206] Weisman, Daniel and Lee, Carol E. Obama swing-state visits surpass presidential record. *Wall Street Journal*. November 28, 2011.

Table 1.25 President Obama's travels in the first six months of 2012

State	Population	Share of 50-state population	Obama trips in first half of 2012	Share of trips	Index
Vermont	625,741	0.20%	1	3.23%	1613
Maine	1,328,361	0.43%	1	3.23%	750
New Hampshire	**1,316,470**	**0.43%**	**1**	**3.23%**	**750**
Nevada	**2,700,551**	**0.88%**	**2**	**6.45%**	**733**
Iowa	**3,046,355**	**0.99%**	**2**	**6.45%**	**652**
New Mexico	2,059,179	0.67%	1	3.23%	481
Colorado	**5,029,196**	**1.63%**	**2**	**6.45%**	**396**
Ohio	**11,536,504**	**3.74%**	**4**	**12.90%**	**345**
Oklahoma	3,751,351	1.22%	1	3.23%	264
Virginia	**8,001,024**	**2.60%**	**2**	**6.45%**	**248**
Illinois	12,830,632	4.16%	3	9.68%	233
North Carolina	**9,535,483**	**3.09%**	**2**	**6.45%**	**209**
Georgia	9,687,653	3.14%	2	6.45%	205
Wisconsin	**5,686,986**	**1.85%**	**1**	**3.23%**	**174**
Florida	**18,801,310**	**6.10%**	**3**	**9.68%**	**159**
Arizona	6,392,017	2.07%	1	3.23%	156
Washington	6,724,540	2.18%	1	3.23%	148
Michigan	**9,883,640**	**3.21%**	**1**	**3.23%**	**100**
Alabama	4,779,736	1.55%		0.00%	0
Alaska	710,231	0.23%		0.00%	0
Arkansas	2,915,918	0.95%		0.00%	0
California	37,253,956	12.09%		0.00%	0
Connecticut	3,574,097	1.16%		0.00%	0
Delaware	897,934	0.29%		0.00%	0
Hawaii	1,360,301	0.44%		0.00%	0
Idaho	1,567,582	0.51%		0.00%	0
Indiana	6,483,802	2.10%		0.00%	0
Kansas	2,853,118	0.93%		0.00%	0
Kentucky	4,339,367	1.41%		0.00%	0
Louisiana	4,533,372	1.47%		0.00%	0
Maryland	5,773,552	1.87%		0.00%	0
Massachusetts	6,547,629	2.12%		0.00%	0
Minnesota	**5,303,925**	**1.72%**		**0.00%**	**0**
Mississippi	2,967,297	0.96%		0.00%	0
Missouri	5,988,927	1.94%		0.00%	0
Montana	989,415	0.32%		0.00%	0
Nebraska	1,826,341	0.59%		0.00%	0
New Jersey	8,791,894	2.85%		0.00%	0
New York	19,378,102	6.29%		0.00%	0
North Dakota	672,591	0.22%		0.00%	0
Oregon	3,831,074	1.24%		0.00%	0
Pennsylvania	**12,702,379**	**4.12%**		**0.00%**	**0**
Rhode Island	1,052,567	0.34%		0.00%	0
South Carolina	4,625,364	1.50%		0.00%	0
South Dakota	814,180	0.26%		0.00%	0
Tennessee	6,346,105	2.06%		0.00%	0
Texas	25,145,561	8.16%		0.00%	0
Utah	2,763,885	0.90%		0.00%	0
West Virginia	1,852,994	0.60%		0.00%	0
Wyoming	563,626	0.18%		0.00%	0
Total	**308,143,815**	**100.00%**	**31**	**100.00%**	**100**

We are not aware of documentary evidence that any administration specifically issued a "rule of thumb" that roughly half of all the President's visibility-creating activity should be directed toward battleground states. However, such a rule would make sound political sense and may simply be considered so obvious that it has never needed to be made explicit.

Fluctuating role of Maryland and Virginia for staging presidential photo opportunities

Both Maryland and Virginia provide a sitting President with a wide variety of photogenic backdrops for presidential appearances while minimizing travel time (e.g., factories, military bases, schools, historical sites, governmental facilities).

In the decades prior to 2008, neither Maryland nor Virginia was a presidential battleground state.

However, in 2008, Virginia burst onto the stage as a battleground state. In that campaign, Virginia received 23 of the nation's 300 general-election campaign events. That is, a state with 2.6% of the nation's population received 7.6% of the nation's total campaign events.

As Paul West observed in the *Baltimore Sun* in 2009:

> "Recent presidents have divided their time more or less evenly between Maryland and Virginia. But [now] Obama, by a lopsided margin, is favoring the commonwealth on the other side of the Potomac."

> **"Obama has shown Virginia far more love than Maryland since taking office.**

> **"Presidents of both parties frequently use the neighboring states as sites for their public events**. Since many Americans revile the capital city, it is often necessary to escape to a more suitable 'real world' locale. Next-door Maryland and Virginia are obvious choices, since they are only a quick trip away (time is a president's scarcest resource).

> "Today, for example, the White House announced that Obama plans to deliver a national back-to-school address next Tuesday from a high school in northern Virginia."

> **"There isn't much mystery in Obama's apparent preference for Virginia over Maryland**….

> **"Obama has concentrated his domestic travels on key electoral states—favoring those that will matter in 2012, while largely ignoring states that are either out of reach (such as those in the Deep South) or are safely Democratic** …."[207] [Emphasis added]

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[207] West, Paul. Maryland politics: Obama favoring purple Virginia over blue Maryland by 8-1 margin. *Baltimore Sun*. September 2, 2009.

1.2.10. **The stagnant battleground**

If one examines the list of closely divided battleground states for two, three, or four consecutive presidential elections, the list appears to be largely stagnant.

However, when the list is viewed over a slightly longer period, it is apparent that the battleground status is fickle and fleeting.

When viewed over an even longer period, it becomes apparent that the list of closely divided states has been shrinking dramatically.

Let's start by examining the list of battleground states on a short-term basis.

Three-quarters of general-election campaign events in the four presidential elections between 2008 and 2020 were concentrated in just nine states.[208]

Table 1.26 shows, by state, the distribution of the 1,164 general-election campaign events of the major-party presidential and vice-presidential nominees in the four presidential elections between 2008 and 2020. The table is sorted according to each state's total number of events over the four elections (column 1).

Figure 1.14 is a map showing the same information as table 1.26, namely the distribution of the 1,164 general-election campaign events between 2008 and 2020.

As can be seen from the table and the map, about three-quarters (77%) of all the events in the four elections (903 of 1,164) were concentrated in nine states (highlighted in bold):

- Ohio—196 events
- Florida—188
- Pennsylvania—146
- North Carolina—98
- Iowa—60
- Wisconsin—58
- Michigan—54
- Nevada—53
- New Hampshire—50

The bottom portion of table 1.26 shows that 31 states were almost totally ignored in the four presidential elections between 2008 and 2020. Specifically:

- 22 states were totally ignored in all four elections, and
- nine additional states each received only a single visit (out of the total of 1,164) during the entire four-election period.

The calcification of the Electoral College map is illustrated by the fact that 41 states voted for the same party in the four presidential elections between 2008 and 2020.

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[208] Note that Colorado and Virginia were closely divided battleground states for only three of the four elections.

Table 1.26 The 1,164 general-election campaign events 2008–2020

| Total events	State	2008	2012	2016	2020
196	**Ohio**	**62**	**73**	**48**	**13**
188	**Florida**	**46**	**40**	**71**	**31**
146	**Pennsylvania**	**40**	**5**	**54**	**47**
98	**North Carolina**	**15**	**3**	**55**	**25**
83	Virginia	23	36	23	1
62	Colorado	20	23	19	
60	**Iowa**	**7**	**27**	**21**	**5**
58	**Wisconsin**	**8**	**18**	**14**	**18**
54	**Michigan**	**10**	**1**	**22**	**21**
53	**Nevada**	**12**	**13**	**17**	**11**
50	**New Hampshire**	**12**	**13**	**21**	**4**
23	Arizona			10	13
23	Missouri	21		2	
14	Minnesota	2	1	2	9
12	Indiana	9		2	1
11	New Mexico	8		3	
10	Georgia			3	7
7	Maine	2		3	2
4	Texas			1	3
3	Nebraska			2	1
1	California			1	
1	Connecticut			1	
1	D.C.	1			
1	Illinois			1	
1	Mississippi			1	
1	Tennessee	1			
1	Utah			1	
1	Washington			1	
1	West Virginia	1			
	Alabama				
	Alaska				
	Arkansas				
	Delaware				
	Hawaii				
	Idaho				
	Kansas				
	Kentucky				
	Louisiana				
	Maryland				
	Massachusetts				
	Montana				
	New Jersey				
	New York				
	North Dakota				
	Oklahoma				
	Oregon				
	Rhode Island				
	South Carolina				
	South Dakota				
	Vermont				
	Wyoming				
1,164	**Total**	**300**	**253**	**399**	**212**
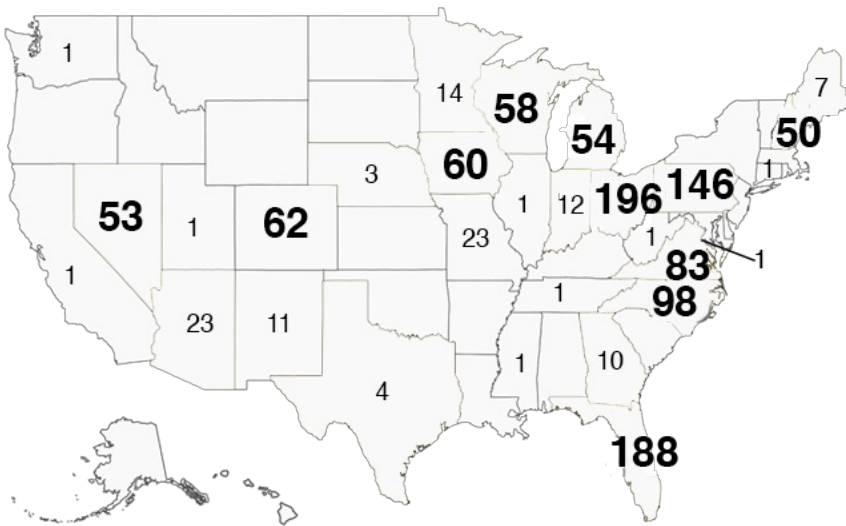
Figure 1.14 The 1,164 general-election campaign events 2008–2020

Table 1.27 shows the numbers of times that a state has voted Democratic or Republican in the four presidential elections between 2008 and 2020.[209]

Table 1.27 shows the following:

- Forty-one states voted for the same party in all four presidential elections between 2008 and 2020.
- Seven states voted for the same party in three of these four elections.
- Only three states (Florida, Iowa, and Ohio) voted twice for each party.

The same pattern holds if we look back over six elections. Thirty-six states voted for the same party in the six elections between 2000 and 2020.

Table 1.28 shows the numbers of times that a state (or parts of a state in the cases of Nebraska and Maine) have voted Democratic or Republican in the six presidential elections between 2000 and 2020.

Table 1.28 shows the following:

- Thirty-six states voted for the same party in all six presidential elections between 2000 and 2020.
- Nine states for the same party in five of the six elections.
- Seven states voted for the same party in four of the six elections.
- Only one state (Iowa) voted three times for each party.

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[209] The number of electoral votes shown in the table are for 2012, 2016, and 2020 elections. Maine and Nebraska award some of their electoral votes by congressional district. Maine's 2nd congressional district (the northern part of the state) and Nebraska's 2nd congressional district (the Omaha area) have a history of voting differently from the rest of their states. Therefore, these two districts (each with one electoral vote) are shown separately in this table (and elsewhere in this section). They are identified as "ME-CD2 (1)" and "NE-CD2 (1)," respectively. The remainder of Maine (three safely Democratic electoral votes) is shown separately as "ME (3)." Similarly, the remainder of Nebraska (four safely Republican electoral votes) is shown separately as "NE (4)."

Table 1.27 Forty-one states voted for the same party in the four presidential elections 2008–2020.

4 times Democratic 21 places	3 times Democratic 3 places	2 times Democratic 5 places	1 time Democratic 4 places	0 times Democratic 20 places
CA (55)	MI (16)	**IA (6)**	AZ (11)	AL (9)
CO (9)	PA (20)	**FL (29)**	GA (16)	AK (3)
CT (7)	WI (10)	**OH (18)**	IN (11)	AR (6)
DE (3)		**NE-CD2 (1)***	NC (15)	ID (4)
DC (3)**		**ME-CD2 (1)***		KS (6)
HI (4)				KY (8)
IL (20)				LA (8)
MA (11)				MO (10)
ME (3)*				MS (6)
MD (10)				MT (3)
MN (10)				NE (4)*
NH (4)				ND (3)
NJ (14)				OK (7)
NM (5)				SC (9)
NV (6)				SD (3)
NY (29)				TN (11)
OR (7)				TX (38)
RI (4)				UT (6)
VT (3)				WY (3)
VA (13)				WV (5)
WA (12)				
232 EV	**46 EV**	**55 EV**	**53 EV**	**152 EV**

Table 1.28 Thirty-six states voted for the same party in the six presidential elections 2000–2020.

6 times Democratic 16 places	5 times Democratic 5 places	4 times Democratic 3 places	3 times Democratic 1 place	2 times Democratic 3 places	1 time Democratic 4 places	0 times Democratic 20 places
CA (55)	MI (16)	CO (9)	**IA (6)**	FL (29)	AZ (11)	AL (9)
CT (7)	NH (4)	NV (6)		OH (18)	GA (16)	AK (3)
DE (3)	NM (5)	VA (13)		NE-CD2 (1)*	IN (11)	AR (6)
DC (3)	PA (20)	ME-CD2 (1)*			NC (15)	ID (4)
HI (4)	WI (10)					KS (6)
IL (20)						KY (8)
MA (11)						LA (8)
ME (3)*						MO (10)
MD (10)						MS (6)
MN (10)						MT (3)
NJ (14)						NE (4)*
NY (29)						ND (3)
OR (7)						OK (7)
RI (4)						SC (9)
VT (3)						SD (3)
WA (12)						TN (11)
						TX (38)
						UT (6)
						WY (3)
						WV (5)
195 EV	**55 EV**	**29 EV**	**6 EV**	**48 EV**	**53 EV**	**152 EV**

Table 1.29 Twenty-nine states voted for the same party in the eight presidential elections 1992–2020.

8 times Democratic	7 times Democratic	6 times Democratic	5 times Democratic	4 times Democratic	3 times Democratic	2 times Democratic	1 time Democratic	0 times Democratic
16 places	5 places	2 places	2 places	2 places	1 place	9 places	3 places	13 places
CA (55)	MI (16)	NV (6)	IA (6)	OH (18)	FL (29)	AR (6)	IN (11)	AL (9)
CT (7)	NH (4)	ME-CD(1)*	CO (9)	VA (13)		AZ (11)	MT (3)	AK (3)
DE (3)	NM (5)					GA (16)	NC (15)	ID (4)
DC (3)	PA (20)					KY (8)		KS (6)
HI (4)	WI (10)					LA (8)		MS (6)
IL (20)						MO (10)		NE (4)*
MA (11)						TN (11)		ND (3)
ME (3)*						WV (5)		OK (7)
MD (10)						NE-CD(1)*		SC (9)
MN (10)								SD (3)
NJ (14)								TX (38)
NY (29)								UT (6)
OR (7)								WY (3)
RI (4)								
VT (3)								
WA (12)								
195 EV	**55 EV**	**7 EV**	**15 EV**	**31 EV**	**29 EV**	**76 EV**	**29 EV**	**101 EV**

If we go back over eight elections, we see that almost two-thirds of the states voted for the same party.

Table 1.29 shows the number of times that a state (or parts of a state in the case of Nebraska and Maine) voted Democratic or Republican in the eight presidential elections between 1992 and 2020.

Table 1.29 shows the following:

- Twenty-nine states voted for the same party in the eight presidential elections between 1992 and 2020.
- Eight states voted for the same party in seven of the eight elections.
- Nine states voted for the same party in six of the eight elections.
- Three states voted for the same party in five of the eight elections.
- Only two states (Ohio and Virginia) voted four times for each party.

1.2.11. The shrinking battleground

Although the group of battleground states is relatively stable over the short term, the battleground status of several states has changed over the four presidential elections between 2008 and 2020.

During that period, there were:

- five "jilted battlegrounds" and
- four "emerging battlegrounds."

Jilted battlegrounds

"Jilted battlegrounds" are states that previously received considerable attention at the beginning of the period but found themselves virtually ignored by the end of the period.

Five jilted battlegrounds accounted for one-sixth of the general-election events (191 of 1,164) over the four-election period:[210]

- Virginia—83 events
- Colorado—62
- Missouri—23
- Indiana—12
- New Mexico—11

By the end of the period (2020), Colorado, Missouri, and New Mexico received no visits. Virginia and Indiana each received a single visit in 2020 for reasons unrelated to their being battleground states (as detailed in section 1.2.1).

Emerging battlegrounds

"Emerging battlegrounds" are states that were spectator states at the beginning of the period, but that received significant attention toward the end of the period. Four emerging battlegrounds accounted for 4% of all the events (51 of 1,164) over the four-election period.

- Arizona—23 general-election events
- Minnesota—14
- Georgia—10
- Texas—4

In 2008 and 2012, Arizona, Georgia, and Texas received no visits, and Minnesota received eight.

Presidential elections became even more geographically concentrated between 2008 and 2020.

A comparison of the jilted battlegrounds versus the emerging battlegrounds reveals that there were four times more events in the jilted battlegrounds than the emerging battlegrounds (16% versus 4%) during the four-election period. That is, presidential elections became even more geographically concentrated between 2008 and 2020.

In fact, this recent shrinkage of presidential battlegrounds in the short term is a continuation of the multi-decade long-term shrinkage of presidential battleground states.

One possible explanation of this polarization is the tendency—discussed in Bill Bishop's book *The Big Sort*—of like-minded Americans to cluster together geographically.[211]

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[210] See section 1.2.1 for a discussion of the one isolated campaign event received by Virginia in 2020 and section 1.2.2 for a discussion of the three events received by New Mexico in 2016.

[211] Bishop, Bill. 2008. *The Big Sort: Why the Clustering of Like-Minded America Is Tearing Us Apart*. Boston, MA: Houghton Mifflin Harcourt.

Comparison to 1960 election

Looking back at the 1960 general-election campaign:

- Richard M. Nixon personally campaigned in all 50 states.
- John F. Kennedy did so in 43 states.

In contrast, in the six presidential elections between 2000 and 2020, virtually all (94% to 100%) general-election campaign events (counting both the presidential and vice-presidential nominees) were concentrated in a dozen-or-so states.

The distribution of 1960 general-election campaign events for the two major-party presidential nominees is shown in table 1.30.

- Column 1 of the table shows the Republican percentage of the two-party popular vote in each state.[212] The table is sorted in order of the Republican percentage of the state's popular vote—with Nixon's best state (Nebraska) at the top.
- Column 2 shows the number of campaign events between August 1, 1960 and November 8 (Election Day).[213] These counts were obtained from a compendium of all the public speeches by Kennedy[214] and Nixon[215] published by the U.S. Senate Committee on Commerce in 1961.

Note that this table does not include the activities of the vice-presidential nominees (in contrast to the data that we presented for the 2000–2020 period in previous sections). The addition of vice-presidential data would show that the 1960 campaign was even broader than shown in the table. For example, Democratic vice-presidential nominee Lyndon Johnson campaigned extensively in various southern, border, and western states that Kennedy ignored.

Table 1.30 shows several other differences between the 1960 electoral map and today's map.

In the 1960 presidential election, there were only 17 states where the difference between the major-party candidates was 10 percentage points or greater—a margin that is usually referred to as a "landslide." In contrast, in 2020, there were 36 landslide states (section 1.2.1).

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[212] The election returns are from David Leip's *Atlas of U.S. Presidential Elections*. Note that neither Kennedy's name nor Nixon's name appeared on the ballot in Alabama in 1960. Moreover, the state's 11 winning presidential electors (all Democrats) were divided between a group loyal to the National Democratic Party (that is, to Kennedy) and a segregationist contingent who ultimately voted for Virginia Senator Byrd in the Electoral College. As discussed in detail in section 3.13 and section 9.30.12, various almanac writers and journalists have adopted different procedures for estimating candidate sentiment in Alabama in 1960. The popular vote estimates shown in this table are from Leip's *Atlas*.

[213] August 1, 1960, was the Monday after the end of the Republican National Convention (which was held on July 25–28). Kennedy was nominated at the Democratic National Convention held two weeks earlier (on July 11–15).

[214] U.S. Senate Committee on Commerce. 1961. *The Speeches, Remarks, Press Conferences, and Statements of Senator John F. Kennedy, August 1 Through November 7, 1960*. 87th Congress. 1st Session. Report 994—Part I. September 13, 1961. Washington, D.C.: U.S. Government Printing Office.

[215] U.S. Senate Committee on Commerce. 1961. *The Speeches, Remarks, Press Conferences, and Statements of Vice President Richard M. Nixon, August 1 Through November 7, 1960*. 87th Congress. 1st Session. Report 994—Part II. September 13, 1961. Washington, D.C.: U.S. Government Printing Office.

Table 1.30 Distribution of 1960 campaign events

R–Percent	Events	State	Nixon	Kennedy	R-Margin	D-Margin	R-EV	D-EV
62.1%	1	Nebraska	380,553	232,542	148,011		6	
60.7%	2	Kansas	561,474	363,213	198,261		8	
59.0%	3	Oklahoma	533,039	370,111	162,928		7	
58.6%	1	Vermont	98,131	69,186	28,945		3	
58.2%	4	South Dakota	178,417	128,070	50,347		4	
57.0%	7	Maine	240,608	181,159	59,449		5	
56.7%	16	Iowa	722,381	550,565	171,816		10	
55.6%	5	Arizona	221,241	176,781	44,460		4	
55.5%	2	North Dakota	154,310	123,963	30,347		4	
55.2%	9	Indiana	1,175,120	952,358	222,762		13	
55.0%	2	Wyoming	77,451	63,331	14,120		3	
54.9%	3	Colorado	402,242	330,629	71,613		6	
54.8%	4	Utah	205,361	169,248	36,113		4	
53.8%	3	Idaho	161,597	138,853	22,744		4	
53.6%	9	Tennessee	556,577	481,453	75,124		11	
53.6%	9	Kentucky	602,607	521,855	80,752		10	
53.4%	5	NH	157,989	137,772	20,217		4	
53.3%	46	Ohio	2,217,611	1,944,248	273,363		25	
52.8%	7	Virginia	404,521	362,327	42,194		12	
52.6%	8	Oregon	408,060	367,402	40,658		6	
51.9%	10	Wisconsin	895,175	830,805	64,370		12	
51.5%	8	Florida	795,476	748,700	46,776		10	
51.3%	2	Montana	141,841	134,891	6,950		4	
51.2%	9	Washington	629,273	599,298	29,975		9	
50.9%	5	Alaska	30,953	29,809	1,144		3	
50.3%	59	California	3,259,722	3,224,099	35,623		32	
49.97%	7	Hawaii	92,295	92,410		115		3
49.9%	50	Illinois	2,368,988	2,377,846		8,858		27
49.7%	16	Missouri	962,221	972,201		9,980		13
49.6%	2	New Mexico	153,733	156,027		2,294		4
49.6%	25	New Jersey	1,363,324	1,385,415		22,091		16
49.3%	11	Minnesota	757,915	779,933		22,018		11
49.2%	3	Delaware	96,373	99,590		3,217		3
49.0%	41	Michigan	1,620,428	1,687,269		66,841		20
49.0%	20	Texas	1,121,310	1,167,567		46,257		24
48.8%	1	Nevada	52,387	54,880		2,493		3
48.8%	62	Pennsylvania	2,439,956	2,556,282		116,326		32
48.8%	2	SC	188,558	198,129		9,571		8
47.9%	11	NC	655,420	713,136		57,716		14
47.4%	86	New York	3,446,419	3,830,085		383,666		45
47.3%	4	West Virginia	395,995	441,786		45,791		8
46.4%	5	Maryland	489,538	565,808		76,270		9
46.3%	8	Connecticut	565,813	657,055		91,242		8
46.2%	2	Arkansas	184,508	215,049		30,541		8
42.8%	1	Alabama	237,981	318,303		80,322		5
40.4%	2	Mississippi	73,561	108,362		34,801		
39.6%	3	Massachusetts	976,750	1,487,174		510,424		16
37.4%	4	Georgia	274,472	458,638		184,166		12
36.4%	3	Rhode Island	147,502	258,032		110,530		4
36.2%	2	Louisiana	230,980	407,339		176,359		10
49.92%	610	Total	34,108,157	34,220,984			219	303

In other words, the number of landslide states increased from one-third of the states in 1960 to over two-thirds today.

In the 1960 presidential election, the most Republican state (Nebraska) was 62% Republican, and only one other state (Kansas) was more than 60% Republican. In contrast, in 2020, the most Republican state (Wyoming) was 72% Republican, and 12 additional states were more than 60% Republican.

In 1960, the most Democratic state (Louisiana) was 64% Democratic, and only three other states were more than 60% Democratic. In contrast, in 2020, the most Democratic state (Vermont) was 68% Democratic, and seven additional states were more than 60% Democratic.[216]

In other words, the dominant party in the landslide states has become far more dominant in those states.

Although the 1960 presidential battleground was considerably broader than it is today, the winner-take-all method of awarding electoral votes inevitably concentrated general-election campaigning in the closer states.

Table 1.30 shows that the two major-party candidates were within seven percentage points of one another in 25 of the 50 states in 1960.

In table 1.31, the Republican states in 1960 outside the seven-percentage point range between 46.5% and 53.5% are shown in red; the Democratic states outside this range are shown in blue; and the battleground states are shown in black.

As can be seen in the table, 82% of the general-election campaign events (500 out of 610) were conducted in states where the Republican share of the two-party votes was in the competitive range.

In a 2013 article in *Presidential Studies Quarterly*, Rob Richie and Andrea Levien wrote:

> "In addition to being more rigidly defined, today's presidential election swing states are also far fewer in number and less populous than a generation ago. In 1960, for example, the major party candidates' vote percentages were within 3% of the national average (swing state status) in 23 states, with a total 319 electoral votes. In 1976, 24 states controlling a total of 345 electoral votes met this same swing state definition. As recently as 1988, there were still 21 swing states that together represented more than half the population and a total of 272 electoral votes."[217]

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[216] The District of Columbia could not vote for President in 1960.

[217] Richie, Robert and Levien, Andrea. 2013. The Contemporary Presidency: How the 2012 Presidential Election Has Strengthened the Movement for the National Popular Vote Plan. *Presidential Studies Quarterly*. Volume 43. Issue 2. Page 362. May 2, 2013. https://onlinelibrary.wiley.com/action/doSearch?AllField=Andrea+Levien&SeriesKey=17415705

Table 1.31 Distribution of 1960 campaign events

R–Percent	R-Events	D-Events	State	R-EV	D-EV
62.1%	1	0	Nebraska	6	
60.7%	2	0	Kansas	8	
59.0%	1	2	Oklahoma	7	
58.6%	1	0	Vermont	3	
58.2%	2	2	South Dakota	4	
57.0%	2	5	Maine	5	
56.7%	7	9	Iowa	10	
55.6%	2	3	Arizona	4	
55.5%	1	1	North Dakota	4	
55.2%	2	7	Indiana	13	
55.0%	1	1	Wyoming	3	
54.9%	1	2	Colorado	6	
54.8%	1	3	Utah	4	
53.8%	1	2	Idaho	4	
53.6%	3	6	Tennessee	11	
53.6%	1	8	Kentucky	10	
53.4%	1	4	NH	4	
53.3%	19	27	Ohio	25	
52.8%	2	5	Virginia	12	
52.6%	2	6	Oregon	6	
51.9%	6	4	Wisconsin	12	
51.5%	3	5	Florida	10	
51.3%	1	1	Montana	4	
51.2%	3	6	Washington	9	
50.9%	1	4	Alaska	3	
50.3%	20	39	California	32	
49.97%	7	0	Hawaii		3
49.9%	20	30	Illinois		27
49.7%	5	11	Missouri		13
49.6%	1	1	New Mexico		4
49.6%	9	16	New Jersey		16
49.3%	3	8	Minnesota		11
49.2%	1	2	Delaware		3
49.0%	14	27	Michigan		20
49.0%	7	13	Texas		24
48.8%	1	0	Nevada		3
48.8%	20	42	Pennsylvania		32
48.8%	1	1	SC		8
47.9%	4	7	NC		14
47.4%	28	58	New York		45
47.3%	2	2	West Virginia		8
46.4%	1	4	Maryland		9
46.3%	4	4	Connecticut		8
46.2%	1	1	Arkansas		8
42.8%	1	0	Alabama		5
40.4%	2	0	Mississippi		
39.6%	1	2	Massachusetts		16
37.4%	1	3	Georgia		12
36.4%	1	2	Rhode Island		4
36.2%	2	0	Louisiana		10
49.92%	224	386	Total	219	303

The shrinking presidential battleground is discussed in additional detail in FairVote's 2005 report *The Shrinking Battleground*[218] as well as *The Cook Political Report*,[219,220] and articles by Olson[221] and Byler.[222]

1.3. A SMALL NUMBER OF VOTES IN A SMALL NUMBER OF STATES REGULARLY DECIDES THE PRESIDENCY—THEREBY CREATING POST-ELECTION CONTROVERSIES THAT THREATEN DEMOCRACY.

The current system of electing the President regularly enables a few thousand votes in one, two, or three states to decide the presidency.

Close results, in turn, generate doubt, controversy, litigation, and unrest over real, imagined, or manufactured irregularities.

Razor-close elections in a few states are *an inevitable and recurring* feature of the current state-by-state winner-take-all method of awarding electoral votes.

The reason is that the state-by-state nature of the current system begins by dividing the nation's voters into 51 separate state-level pools of votes.

After this Balkanization, most state-level races will not be close, although a few will be.

Under the winner-take-all method of awarding electoral votes, closely divided states are the only places where candidates have any prospect of gaining or losing electoral votes. Thus, virtually all campaigning is channeled into the closely divided states.

Then, almost inevitably, a few thousand votes in a few of these closely divided states determine the national outcome.

Let's look at the facts about the first six presidential elections of the 2000s.

There were 306 state-level races for President during this period (six times 51).

The two-party vote for President ended up in the competitive 47%–53% range for 65 of these 306 state-level races.

[218] FairVote. 2005. *The Shrinking Battleground: The 2008 Presidential Election and Beyond*. Takoma Park, MD: The Center for Voting and Democracy. http://archive.fairvote.org/?page=1555

[219] In late 1999, the Cook Political Report listed 28 states are either toss-ups or leaning to one party or the other in the upcoming 2000 presidential race. Walter, Amy. 2023. Digging through some old @CookPolitical files and found this gem from December of 1999. *Twitter*. January 23, 2023. 9:55AM. https://twitter.com/amyewalter/status/1617581909839577100?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1617581909839577100%7Ctwgr%5Eb7fe2df1ca0ef9e2b054eeab8636f9d6173622ad%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.washingtonpost.com%2Fpolitics%2F2023%2F04%2F08%2Fhouse-polarization-partisanship%2F

[220] Kane, Paul. 2023, New report outlines the deep political polarization's slow and steady march. *Washington Post*. April 8, 2023. https://www.washingtonpost.com/politics/2023/04/08/house-polarization-partisanship/

[221] Olson, Randall S. 2015. The Shrinking Battleground: Every 4 years, fewer states determine the outcome of the Presidential election. January 12, 2015. http://www.randalolson.com/2015/01/12/the-shrinking-battleground-presidential-elections/

[222] Byler, David. 2015. Are Swing States Disappearing? *Real Clear Politics*. February 4, 2015. http://www.realclearpolitics.com/articles/2015/02/04/are_swing_states_disappearing_125487.html

In table 1.32:

- Column 1 shows the Republican percentage of the two-party vote. The table is sorted according to this percentage.
- Columns 2 and 3 show the state and year, respectively.
- Columns 4 and 5 show the Republican and Democratic vote for President, respectively.
- Column 6 shows the Republican margin of victory for the states that the Republican presidential nominee carried, and column 7 shows the Democratic margin of victory for states that the Democratic presidential nominee carried.
- Column 8 shows the number of general-election campaign events for the state-level race involved.

There were 2,034 general-election campaign events in the six presidential elections between 2000 and 2020.

Table 1.32 The 65 state-level elections between 2000 and 2020 in the competitive 47%–53% range

R–percent	State	Year	R-votes	D-votes	R-margin	D-margin	Events
52.8%	Texas	2020	5,890,347	5,259,126	631,221		3
52.8%	Arkansas	2000	472,940	422,768	50,172		11
52.7%	Georgia	2016	2,089,104	1,877,963	211,141		3
52.6%	Georgia	2008	2,048,759	1,844,123	204,636		
52.5%	Florida	2004	3,964,522	3,583,544	380,978		84
52.4%	Colorado	2004	1,101,256	1,001,725	99,531		12
52.0%	Tennessee	2000	1,061,949	981,720	80,229		18
51.9%	North Carolina	2016	2,362,631	2,189,316	173,315		55
51.9%	Arizona	2016	1,252,401	1,161,167	91,234		10
51.9%	Nevada	2000	301,575	279,978	21,597		6
51.8%	Ohio	2000	2,351,209	2,186,190	165,019		27
51.7%	Missouri	2000	1,189,924	1,111,138	78,786		30
51.7%	Florida	2020	5,668,731	5,297,045	371,686		31
51.3%	Nevada	2004	418,690	397,190	21,500		10
51.2%	Montana	2008	242,763	231,667	11,096		
51.1%	Ohio	2004	2,859,768	2,741,167	118,601		63
51.0%	North Carolina	2012	2,270,395	2,178,391	92,004		3
50.7%	North Carolina	2020	2,758,775	2,684,292	74,483		25
50.7%	New Hampshire	2000	273,559	266,348	7,211		7
50.6%	Florida	2016	4,617,886	4,504,975	112,911		71
50.4%	Wisconsin	2016	1,405,284	1,382,536	22,748		14
50.4%	New Mexico	2004	376,930	370,942	5,988		13
50.4%	Pennsylvania	2016	2,970,733	2,926,441	44,292		54
50.3%	Iowa	2004	751,957	741,898	10,059		38
50.1%	Michigan	2016	2,279,543	2,268,839	10,704		22
50.1%	Missouri	2008	1,445,814	1,441,911	3,903		21
50.0%	Florida	2000	2,912,790	2,912,253	537		47
50.0%	New Mexico	2000	286,417	286,783		366	12

(Continued)

Table 1.32 (Continued)

R–percent	State	Year	R-votes	D-votes	R-margin	D-margin	Events
49.9%	Wisconsin	2000	1,237,279	1,242,987		5,708	31
49.9%	Georgia	2020	2,461,854	2,473,633		11,779	7
49.8%	Arizona	2020	1,661,686	1,672,143		10,457	13
49.8%	Iowa	2000	634,373	638,517		4,144	24
49.8%	North Carolina	2008	2,128,474	2,142,651		14,177	15
49.8%	Wisconsin	2004	1,478,120	1,489,504		11,384	40
49.8%	New Hampshire	2016	345,790	348,526		2,736	21
49.8%	Oregon	2000	713,577	720,342		6,765	16
49.7%	Wisconsin	2020	1,610,184	1,630,866		20,682	18
49.6%	Florida	2012	4,162,341	4,235,965		73,624	40
49.5%	Indiana	2008	1,345,648	1,374,039		28,391	9
49.4%	Pennsylvania	2020	3,377,674	3,458,229		80,555	47
49.3%	New Hampshire	2004	331,237	340,511		9,274	12
49.2%	Minnesota	2016	1,323,232	1,367,825		44,593	2
48.8%	Nevada	2020	669,890	703,486		33,596	11
48.7%	Pennsylvania	2004	2,793,847	2,938,095		144,248	36
48.7%	Minnesota	2000	1,109,659	1,168,266		58,607	5
48.7%	Nevada	2016	512,058	539,260		27,202	17
48.6%	Michigan	2020	2,649,852	2,804,040		154,188	21
48.6%	Florida	2008	4,045,624	4,282,074		236,450	46
48.5%	Ohio	2012	2,661,407	2,827,621		166,214	73
48.4%	Maine	2016	335,593	357,735		22,142	3
48.3%	Michigan	2004	2,313,746	2,479,183		165,437	25
48.2%	Minnesota	2004	1,346,695	1,445,014		98,319	21
48.0%	Virginia	2012	1,822,522	1,971,820		149,298	36
47.9%	Oregon	2004	866,831	943,163		76,332	7
47.9%	Pennsylvania	2000	2,281,127	2,485,967		204,840	36
47.7%	Ohio	2008	2,677,820	2,940,044		262,224	62
47.4%	Michigan	2000	1,953,139	2,170,418		217,279	39
47.3%	Colorado	2016	1,202,484	1,338,870		136,386	19
47.3%	Pennsylvania	2012	2,680,434	2,990,274		309,840	5
47.3%	Maine	2000	286,616	319,951		33,335	9
47.2%	Colorado	2012	1,185,050	1,322,998		137,948	23
47.2%	Virginia	2016	1,769,443	1,981,473		212,030	23
47.2%	New Hampshire	2012	329,918	369,561		39,643	13
47.1%	Washington	2000	1,108,864	1,247,652		138,788	18
	Total						**1,560**

As can be seen in table 1.32, about three-quarters (1,560 of the 2,034) of the general-election campaign events in these six elections were concentrated in the 65 state-level races where the Republican percentage of the vote was between 47% and 53%.

An average of about 11 states were in the competitive 47%–53% range in each election.

Almost inevitably, a few thousand votes in a few of these closely divided states end up deciding the presidency.

It turns out that there were 19 decisive state-level races in the six presidential elections between 2000 and 2020.

That is, out of 306 state-level races, only 65 were in the competitive 47%–53% range, and only 19 were decisive.

Table 1.33 Decisive votes in decisive states 2000—2020

Year	Person who became President	Number of decisive states	Number of electoral votes above 270 received by the person who became President	Lead of the first-place candidate in the national popular vote	Popular vote lead in the decisive state(s) of the person who became President	Total popular vote lead in the decisive state(s) of the person who became President	Relative value of the decisive popular votes in the decisive state(s)
2020	Biden	3	36	7,052,711	10,457 in AZ (11) 11,779 in GA (16) 20,682 in WI (10)	42,918	164
2016	Trump	3	36	2,868,518	10,704 in MI (16) 22,748 in WI (10) 44,292 in PA (20)	77,744	37
2012	Obama	4	62	4,983,775	73,624 in FL (29) 166,214 in OH (18) 149,298 in VA (13) 39,643 in NH (4)	428,779	12
2008	Obama	7	95	9,549,976	236,450 in FL (27) 262,224 in OH (20) 14,177 in NC (15) 234,527 in VA (13) 28,391 in IN (11) 214,987 in CO (9) 68,292 in NH (4)	1,059,048	9
2004	Bush	1	16	3,012,179	118,601 in OH (20)	118,601	25
2000	Bush	1	1	543,816	537 in FL (25)	537	1,013
	Average	**3**		**4,668,496**		**287,969**	**210**

Table 1.33 shows the decisive states in each of the **six presidential elections between 2000 and 2020**.

- Column 3 shows the number of decisive states for a given presidential election.
- Column 4 shows the number of electoral votes received by the person who became President above the required majority (270).
- Column 5 shows the lead of the first-place candidate in the national popular vote.
- Column 6 lists the decisive state(s), the popular vote lead in the decisive state(s) of the person who became President, and the number of electoral votes from the decisive state(s).
- Column 7 shows the sum of the popular-vote leads of the person who became President in the decisive state(s).
- Column 8 shows the relative value of the decisive popular votes in the decisive state(s).

As can be seen from the table, the presidency has been decided by an average of a mere 287,969 popular votes spread over an average of three states in the six presidential elections between 2000 and 2020.

In contrast, the winner's average margin of victory in the national popular vote in these six elections was 4,668,496—16 times larger than 287,969.
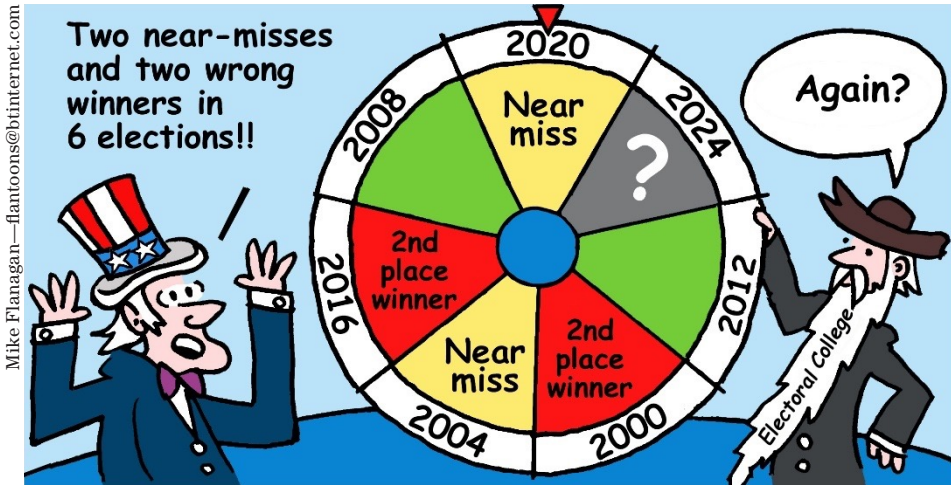
Figure 1.15 There have been two wrong-winner and two near-miss elections since 2000.

The table also shows that the decisive voters in the decisive states were an average of 210 times more impactful than votes cast elsewhere in the country in these six elections.

In the sections below, we provide additional details about the decisive states of the six presidential elections between 2000 and 2020.

1.3.1. 2020 election

In 2020, for example, a mere 42,918 popular votes gave Joe Biden the electoral votes that decided the presidency.

As shown in Figure 1.16, Biden's margins in the decisive states in 2020 were:

- 10,457 popular votes in Arizona (11 electoral votes),
- 11,779 votes in Georgia (16 electoral votes), and
- 20,682 votes in Wisconsin (10 electoral votes).

In the absence of Biden's margins in these states, there would have been a 269–269 tie in the Electoral College.[223] That is, the national outcome was determined by these 42,918 votes cast in three decisive states—out of 158,224,999 votes cast nationally.

Each of these 42,918 votes was 164 times more important than the 7,052,711 votes that constituted Biden's national-popular-vote margin in 2020.

1.3.2. 2016 election

In 2016, 77,744 popular votes (out of 137,125,484 nationwide) gave Donald Trump the electoral votes that decided the President.

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[223] As discussed in section 1.6, when there is a 269–269 tie in the Electoral College, the U.S. House selects the President on a one-state-one-vote basis. Based on the partisan composition of the House delegations on Janauary 6, 2021, Trump would have been selected.

Figure 1.16 The three decisive states in 2020

As shown in figure 1.17, the margins in the decisive states in 2016 were:

- 10,704 popular votes in Michigan (16 electoral votes),
- 22,748 votes in Wisconsin (10 electoral votes), and
- 44,284 votes in Pennsylvania (20 electoral votes).

If Hillary Clinton had won these three states, she would have won the Electoral College by a 278–260 margin.

Each of these 77,744 popular votes was 37 times more important than the 2,868,518 votes that constituted Clinton's national-popular-vote margin in 2016.
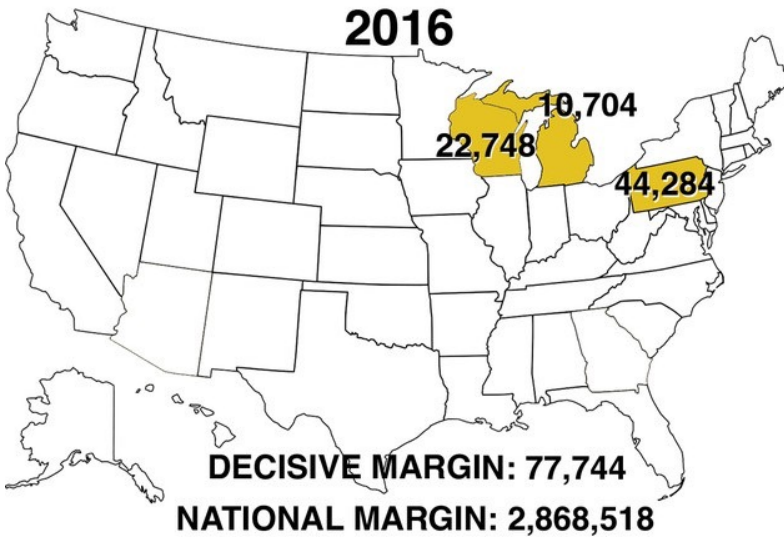

Figure 1.17 The three decisive states in 2016

1.3.3. 2012 election

In 2012, the state-level margins of victory that gave Obama the electoral votes of the four states that decided the election are shown in figure 1.18, namely:

- 73,624 votes in Florida (29 electoral votes),
- 166,214 votes in Ohio (18 electoral votes),
- 149,298 votes in Virginia (13 electoral votes), and
- 39,643 votes in New Hampshire (4 electoral votes)

In the absence of these margins in these states, Mitt Romney would have had the bare 270 electoral votes required for election. That is, the national outcome was determined by these 428,779 votes cast in four decisive states—out of 129,084,520 votes cast nationally. Each of these 428,779 votes was 12 times more important than the 4,983,775 votes that constituted Obama's national-popular-vote margin in 2012.

Figure 1.18 The four decisive states in 2012

1.3.4. 2008 election

In 2008, Obama's margin of victory in the national popular vote (9,549,976) was the highest among the six presidential elections between 2000 and 2020.

The state-level margins of victory that gave Obama the electoral votes of the seven states that decided the election are shown in figure 1.19, namely:

- 236,450 popular votes in Florida (27 electoral votes),
- 262,224 votes in Ohio (20 electoral votes),
- 14,177 votes in North Carolina (15 electoral votes),
- 234,527 votes in Virginia (13 electoral votes),
- 28,391 votes in Indiana (11 electoral votes),
- 214,987 votes in Colorado (9 electoral votes), and
- 68,292 votes in New Hampshire (4 electoral votes).

Figure 1.19 The six decisive states in 2008

1.3.5. 2004 election

In 2004, the margin of victory that gave George W. Bush the 20 electoral votes of the one state (Ohio) that decided the presidency was 118,601 popular votes, as shown in figure 1.20.
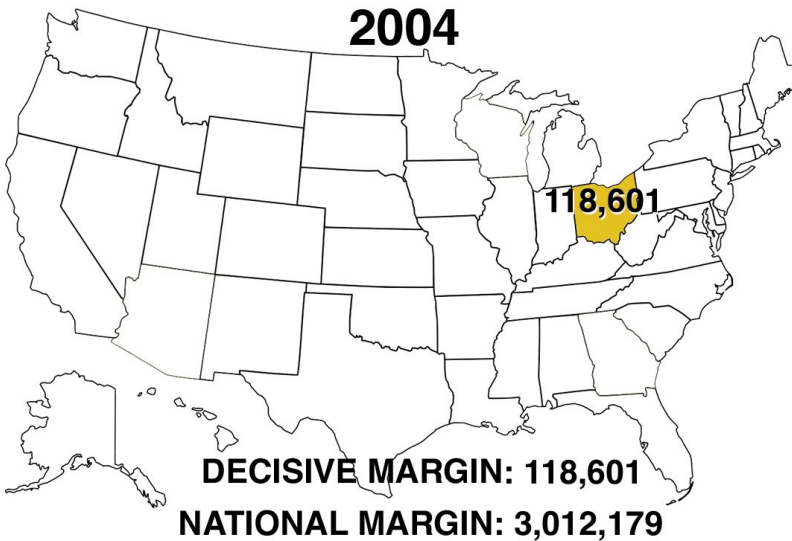

Figure 1.20 The one decisive state in 2004

1.3.6. 2000 election

In 2000, the margin of victory that gave George W. Bush the 25 electoral votes of the one state (Florida) that decided the presidency was 537 popular votes, as shown in figure 1.21.
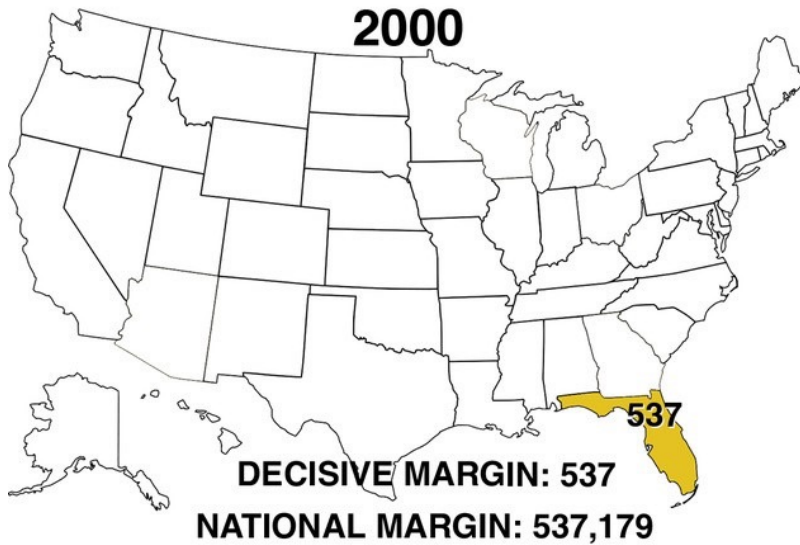

Figure 1.21 The one decisive state in 2000

1.3.7. Foreign interference and disinformation campaigns are facilitated when the presidency is decided by a few thousand votes in a few states.

The fact that the national outcome of a presidential election is regularly decided by a few thousand votes in a small number of states facilitates foreign interference in our elections.

In an op-ed entitled "The Electoral College Is a National Security Threat," former general counsel at the National Security Agency Matthew Olsen and former Army intelligence officer Benjamin Haas wrote:

> "The Electoral College system provides ripe microtargeting grounds for foreign actors who intend to sabotage presidential elections via information and disinformation campaigns, as well as by hacking our voting infrastructure. One reason is that citizens in certain states simply have more voting power than citizens in other states.

> "But what if the national popular vote determined the president instead of the Electoral College? No voter would be more electorally powerful than another. It would be more difficult for a foreign entity to sway many millions of voters scattered across the country than concentrated groups of tens of thousands of voters in just a few states. And it would be more difficult to tamper with voting systems on a nationwide basis than to hack into a handful of databases in crucial swing districts, which could alter an election's outcome. Yes, a foreign entity could disseminate messages to major cities across the entire country

or try to carry out a broad-based cyberattack, but widespread actions of this sort would be not only more resource-intensive, but also more easily noticed, exposed and addressed.[224]

In June 2024, Elaine Kamarck and Darrell West made a similar point in connection with disinformation campaigns in the *Brookings Institution Commentary*:

> "It is due to the existence of the Electoral College that **the 2024 election could come down to a small group of voters in swing areas and enable disinformation disseminators to run highly targeted campaigns with questionable appeals in those places**."

> "False news purveyors don't have to persuade 99% of American voters to be influential but simply a tiny amount in Michigan, New Hampshire, or Wisconsin. In each of those places, a shift of one percent of the vote or less based on false narratives would have altered the outcome."[225] [Emphasis added]

1.3.8. The reward for fraud and the ability to execute it without detection are increased when the presidency is decided by a few thousand votes in a few states.

The fact that the national outcome of a presidential election is regularly decided by a few thousand votes in a small number of states increases the reward for fraud and the ability to execute fraud without detection.

In a 1979 Senate speech about his proposed constitutional amendment for a national popular vote for President, Senator Birch Bayh (D–Indiana) said:

> "Fraud is an ever present possibility in the electoral college system, even if it rarely has become a proven reality. With the electoral college, relatively few irregular votes can reap a healthy reward in the form of a bloc of electoral votes, because of the unit rule or winner-take-all rule. **Under the present system, fraudulent popular votes are much more likely to have a great impact by swinging enough blocs of electoral votes to reverse the election.** A like number of fraudulent popular votes under direct election would likely have little effect on the national vote totals.

> "I have said repeatedly in previous debates that there is no way in which anyone would want to excuse fraud. We have to do everything we can to find it, to punish those who participate in it; but **one of the things we can do to limit fraud is to limit the benefits to be gained by fraud**."

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[224] Olsen, Matthew and Haas, Benjamin. 2017. The Electoral College Is a National Security Threat. *Politico*. September 20, 2017. http://www.politico.com/magazine/story/2017/09/20/electoral-college-threat-national-security-215626

[225] Kamarck, Elaine and West, Darrell M. 2024. How the Electoral College increases disinformation risks. *Brookings Institution Commentary*. June 5, 2024. https://www.brookings.edu/articles/how-the-electoral-college-increases-disinformation-risks/

"A little bit of fraud … can have the impact of turning a whole electoral block, a whole state operating under the unit rule."[226] [Emphasis added]

Post-election legal challenges have become more prevalent than ever. In a multi-year study of election litigation, Professor Richard Hasen wrote:

"Election litigation rates in the United States have been soaring, with rates nearly tripling from the period before the 2000 election compared to the post-2000 period."[227]

1.3.9. Extraordinarily small random factors frequently decide presidential elections.

A system for filling an important public office should possess a high level of resistance to the impact of minor perturbations.

The current state-by-state winner-take-all method of awarding electoral votes does not have this characteristic. Instead, it is extraordinarily sensitive to decisions and events that should not decide national elections.

The choice in 1911 of size for the U.S. House of Representatives decided four presidential elections.

The person who became President in 2000, 1976, 1916, and 1876 would have been different if the U.S. House of Representatives had been a slightly different size at the times of those elections.

That is, four of the nation's 59 presidential elections were decided by an arbitrary decision—made years earlier for reasons unrelated to presidential politics—concerning the number of seats in the U.S. House of Representatives.

The size of the House (currently 435) is established by federal law. The current size (435) was adopted in 1911 and readopted in 1929.[228]

After each census, House seats are apportioned among the states based on population.

A state's number of electoral votes is equal to its number of U.S. Representatives plus its number of U.S. Senators (two). Thus, the distribution of electoral votes among the states varies depending on the size of the House.

The University of Texas Electoral College Study of "inversions" (that is, presidential election in which the candidate who received the most popular votes nationwide did not win the Electoral College) concluded:

"The number of [presidential] electors depends on the number of Representatives in the House. … If the exact same [popular] votes were cast by the same

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[226] *Congressional Record.* March 14, 1979. Page 5000. https://www.congress.gov/bound-congressional-record/1979/03/14/senate-section

[227] Hasen, Richard L. 2022. Record Election Litigation Rates in the 2020 Election: An Aberration or a Sign of Things to Come? *Election Law Journal.* Volume 21. Number 2. https://www.liebertpub.com/doi/abs/10.1089/elj.2021.0050

[228] An Act to provide for the fifteenth and subsequent decennial census and to provide for apportionment of Representatives in Congress." Approved June 18, 1929. 2 U.S.C. 2a(a). https://uscode.house.gov/view.xhtml?req=(title:2%20section:2a%20edition:prelim)

voters for the same candidates, the elections of **1916 and 1976 would have been inversions … if the size of the House had been different**. Moreover, the elections of **1876 and 2000 would not have been inversions** for some House sizes."[229] [Emphasis added]

Specifically, if the size of the House had been slightly different, two candidates who lost both the national popular vote and the Electoral College (Republican Charles Evans Hughes in 1916 and Republican Gerald Ford in 1976) would have won in the Electoral College and become President—that is, there would have been an inversion.

If the size of the House had been slightly different, two candidates who won the most popular votes nationwide but lost the Electoral College (Democrat Samuel Tilden in 1876 and Democrat Al Gore in 2000) would have won in the Electoral College and become President—that is, there would not have been an inversion.

Drew Spencer Penrose analyzed the 2000 election by applying the statutory algorithm for distributing House seats to the states for House sizes between 492 and 598. He determined that Al Gore would have won the Electoral College in 2000 if the U.S. House had been any of the following sizes:

- 492
- 494–502
- 504
- 534
- 540
- 548–550
- 574–584
- 586
- 592
- 598 or above.[230]

That is, Al Gore would have won the Electoral College if the House had been any of 73 of these 107 possible sizes. Conversely, Gore would have lost the Electoral College if the House had been any of 34 of these sizes.

The choice of ballot arrangement by one Florida county official decided the 2000 presidential election.

In 2000, a Democratic election administrator in one of Florida's 67 counties designed a ballot that presented the names of the presidential candidates in an especially confusing manner—the so-called "butterfly ballot."

The ballot's confusing arrangement resulted in Reform Party presidential candidate Pat Buchanan receiving thousands of votes that, as Buchanan himself readily acknowl-

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[229] Geruso, Michael; Spears, Dean; and Talesara, Ishaana. 2019. *Inversions in US Presidential Elections: 1836-2016.* University of Texas Electoral College Study Brief No. 3. September 2019. http://utecs.org/wp-content/uploads/Brief3.pdf

[230] These calculations were done in June 2020 by Drew Spencer Penrose while he was at FairVote. As of January 2024, he was at Project Democracy.

edged, were almost certainly intended for Al Gore. As Buchanan said on NBC's *Today* show:

> "I don't want any votes that I did not receive, and I don't want to win any votes by mistake. … It seems to me that these 3,000 votes people are talking about— most of those are probably not my vote, and that may be enough to give the margin to Mr. Gore."[231]

A paper in the *American Political Science Review* agreed with Buchanan's assessment and concluded that the ballot layout alone was sufficient to cause Gore to lose Florida (and hence the presidency):

> "The butterfly ballot used in Palm Beach County, Florida, in the 2000 presidential election caused more than 2,000 Democratic voters to vote by mistake for Reform candidate Pat Buchanan, a number larger than George W. Bush's certified margin of victory in Florida [537 votes]."

> "In Palm Beach County, Buchanan's proportion of the vote on election-day ballots is four times larger than his proportion on absentee (non-butterfly) ballots, but Buchanan's proportion does not differ significantly between election-day and absentee ballots in any other Florida county.

> "Unlike other Reform candidates in Palm Beach County, Buchanan tended to receive election-day votes in Democratic precincts and from individuals who voted for the Democratic U.S. Senate candidate."

> "Among 3,053 U.S. counties where Buchanan was on the ballot, Palm Beach County has the most anomalous excess of votes for him."[232]

As Nate Cohn wrote in the *New York Times* in 2024:

> "As far as the data goes, the case is a slam dunk: At least 2,000 voters who meant to vote for Gore-Lieberman ended up voting for Mr. Buchanan. All else being equal, **that would have been enough to decide the election**."[233] [Emphasis added]

Similarly, a different defect in the layout of a ballot in one county resulted in the invalidation of 21,942 votes in Duval County, Florida.

> "The Duval County ballot listed Mr. Gore on the first page, along with Mr. Bush, Ralph Nader and two other candidates. Then on the second page were the names of five other presidential candidates. After voting for Mr. Gore,

231 Reuters News Serivce. 2000. Buchanan says disputed Florida votes are Gore's. *Deseret News*. November 9, 2000. https://www.deseret.com/2000/11/9/19538149/buchanan-says-disputed-florida-votes-are-gore-s/

232 Wand, Jonathan N.; Shotts, Kenneth W.; Sekhon, Jasjeet S.; Mebane, Walter R.; Herron, Michael C.; and Brady, Henry E. The butterfly did it: The aberrant vote for Buchanan in Palm Beach County, Florida. *American Political Science Review*. Volume 95. Number 1. December 2001.

233 Cohn, Nate. 2024. Revisiting Florida 2000 and the Butterfly Effect. *New York Times*. March 30, 2024. https://www.nytimes.com/2024/03/30/upshot/florida-2000-gore-ballot.html?searchResultPosition=1

many Democratic voters turned the page and voted for one of the remaining names."[234]

An ill-advised administrative decision involving ballot layout and affecting a few thousand votes would be unlikely to decide the presidency in a nationwide election. Indeed, the winner's margin of victory in the national popular vote has averaged 4,668,496 in the six presidential elections between 2000 and 2020.

However, an error of a few thousand votes can easily decide the presidency when the winner-take-all rule is applied to 51 relatively small separate state-level pools of votes.

Rain in part of one state decided the 2000 presidential election.

There is evidence that the weather affected the national outcome of the 2000 presidential election in which George W. Bush became President as a result of a lead of 537 popular votes in Florida.

The Oklahoma Weather Lab at the University of Oklahoma conducted a county-by-county study of the effect of weather on presidential elections under the current state-by-state winner-take-all system. An article entitled "The Weather and the Election" in the *Journal of Politics* reported:

> "Gomez et al. collected meteorological data recorded at weather stations across the lower 48 United States for presidential election days between 1948 and 2000, and interpolated these data to get rain and snowfall totals for each election day for each county in the entire nation. They then compared the rain and snowfall data with voter turnout for each county, and performed statistical regressions to determine whether or not rain and snow (bad weather) had a negative impact on voter turnout.

> "What they found was that **each inch of rain experienced on election day drove down voter turnout by an average of just under 1%**, while each inch of snow knocked 0.5% off turnout. Though the effect of snow is less on a 'per inch' basis, since multiple-inch snowfall totals are far more common than multiple-inch rainfall events, we can conclude that **snow is likely to have a bigger negative impact on voter turnout**.

> "Furthermore, Gomez et al. noted that when bad weather did suppress voter turnout, it tended to do so in favor of the Republican candidate, to the tune of around 2.5% for each inch of rainfall above normal. In fact, when they simulated the 14 presidential elections between 1948 and 2000 with sunny conditions nationwide, they found two instances in which **bad weather likely changed the electoral college outcome—**once in North Carolina in 1992, and once **in Florida in 2000. The latter change is particularly notable, as**

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[234] Bonner, Raymond and Barbanel, Josh. 2000. Democrats Rue Ballot Foul-Up In a 2nd County. *New York Times.* November 17, 2000. https://www.nytimes.com/2000/11/17/us/counting-the-vote-duval-county-democrats-rue-ballot-foul-up-in-a-2nd-county.html?searchResultPosition=1

it would have resulted in Al Gore rather than George Bush winning the presidential election that year."[235,236] [Emphasis added]

A weather-related loss of a few thousand votes in one localized area of the country would not be likely to decide the presidency in a nationwide election in which the winner's margin of victory has averaged 4,668,496 in recent elections. However, a few thousand weather-related votes can easily decide—and have decided—the presidency under the current state-by-state winner-take-all method of awarding electoral votes.

Hanging chads in Florida in 2000

Election experts foresaw the weaknesses of punched-card voting long before the 2000 presidential election.

> "In a 132-page report[237] published in 1988, Mr. [Roy] Saltman detailed how hanging chads—the tiny pieces of cardboard that sometimes aren't totally punched out on ballots—had plagued several recent elections, including a 1984 race for property appraiser in Palm Beach County, Fla.

> "'**It is recommended**, Mr. Saltman wrote, '**that the use of pre-scored punch card ballots be ended**.'

> "As with many recommendations issued from the bowels of the federal bureaucracy, Mr. Saltman's report was paid little to no attention."[238] [Emphasis added]

1.3.10. Post-election litigation is shifting the choice of President from the voters to lawyers, politicians, and courts.

In recent years, both the quantity and quality of post-election litigation has changed dramatically.

In a multi-year study of election litigation, Professor Richard Hasen wrote:

> "Election litigation rates in the United States have been soaring, with rates nearly tripling from the period before the 2000 election compared to the post-2000 period."[239]

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[235] The weather and the election. 2008. Oklahoma Weather Lab at the University of Oklahoma. http://hoot.me tr.ou.edu/archive/story&docId=21. See also http://www.thorntonweather.com/blog/local-news/will-the-we ather-determine-the-next-president/.

[236] Brad T. Gomez, Brad T.; Hansford, Thomas G.; and Krause, George A. 2007. The Republicans should pray for rain: weather, turnout, and voting in U.S. Presidential Elections. *The Journal of Politics*. Volume 69, number 3. August 2007. Pages 649–663. https://www.journals.uchicago.edu/doi/abs/10.1111/j.1468-2508.2007.00565.x

[237] Saltman, Roy G. 1988. Accuracy, Integrity, and Security in Computerized Vote-Tallying. National Institute of Standards and Technology. Special Publication (NIST SP) - 500-158. August 1, 1988. https://www.nist.gov /publications/accuracy-integrity-and-security-computerized-vote-tallying

[238] Rosenwald, Michael S. 2023. Roy Saltman, election expert who warned of hanging chads, dies at 90. *Washington Post*. April 26, 2023. https://www.washingtonpost.com/obituaries/2023/04/26/roy-saltman-hanging-chads-dead/

[239] Hasen, Richard L. 2022. Record Election Litigation Rates in the 2020 Election: An Aberration or a Sign of Things to Come? *Election Law Journal*. Volume 21. Number 2. https://www.liebertpub.com/doi/abs/10.10 89/elj.2021.0050

The fact that the current state-by-state winner-take-all method of awarding electoral votes repeatedly enables a few thousand votes in one, two, or three states to decide the presidency has also changed the nature of post-election litigation.

As recently as 2016, a discussion of prominent post-election cases would have mainly focused on recounts of close elections. Examples would be the post-election litigation surrounding George W. Bush's margin of 537 popular vote in Florida in 2000 and the post-election litigation that prevented recounts in Michigan and Pennsylvania in 2016.

Of course, recounts change very few votes and rarely reverse the outcome, as discussed in detail in section 9.34.1. During the 24-year period from 2000 to 2023, there were only 36 recounts among the 6,929 statewide general-election races. The magnitude of the average change in the initial winner's number of votes due to a recount was only 551 votes. Moreover, only three of these 36 recounts reversed the original result.

Starting in 2020, the emphasis of post-election litigation has not been merely verifying the accuracy of ballot counting. Instead, the focus today is on throwing out large batches of ballots on the basis of hair-splitting legal issues.

For example, in Pennsylvania in 2020, the State Supreme Court issued a ruling before Election Day saying that mail-in ballots would be counted if they arrived within three days after Election Day, provided that they were postmarked by Election Day. The ruling was challenged in federal court by lawyers supporting the Trump campaign who believed (correctly) that the majority of absentee ballots that would be cast in the midst of the COVID pandemic would be Democratic. The result was the creation of a sequestered pool containing an estimated six thousand late-arriving absentee ballots whose validity would be decided *after* Election Day. Given that Pennsylvania was a closely divided battleground state in 2020, the outcome of a hair-splitting legal issue might very well have decided how Pennsylvania's electoral votes would get allocated under the winner-take-all rule. The disposition of Pennsylvania's electoral votes had the potential to decide the national outcome of the 2020 presidential election.

Similarly, in the closely divided battleground state of Wisconsin in 2020, lawyers sought to overturn Biden's 20,682-vote margin in the state by complaining that some county clerks had instructed voters to request absentee ballots using the wrong form.

In 2020, 64 judicial and administrative proceedings were initiated by Donald Trump and his advocates after Election Day.[240]

Moreover, after the 2020 election, several states made changes in their election laws so as to create new ways by which lawyers, judges, and politicians could invalidate already-cast ballots.

For example, Texas created 26 new election crimes.[241] Georgia even criminalized the

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[240] Eight conservative former judges, lawyers, and Senators examined all 64 cases and wrote "Our conclusion is unequivocal: Joe Biden was the choice of a majority of the Electors, who themselves were the choice of the majority of voters in their states." See Danforth, John; Ginsberg, Benjamin; Griffith, Thomas B.; Hoppe, David; Luttig, J. Michael; McConnell, Michael W.; Olson, Theodore B.; and Smith, Gordon H. 2022. *Lost, Not Stolen: The Conservative Case that Trump Lost and Biden Won the 2020 Presidential Election.* July 2022. https://lostnotstolen.org/

[241] Lerner, Kera. 2022. Criminalizing the vote: GOP-led states enacted 102 new election penalties after 2020. *News from the States.* July 14, 2022. https://www.newsfromthestates.com/article/criminalizing-vote-gop-led-states-enacted-102-new-election-penalties-after-2020 Also see spreadsheet entitled "New and elevated

providing of water to voters standing in line to vote. The proliferation of such laws provide lawyers, politicians, and judges with new ways to argue—after seeing the results on Election Day—that certain batches of votes should be invalidated.

The fact that the national outcome of a presidential election is regularly decided by a few thousand votes in one, two, or three states encourages hair-splitting legal challenges based on exaggerated, contrived, or imaginary issues.

The events of January 6, 2021, made everyone aware of how post-election maneuvering under the current system can be exploited to shift the choice of President from the voters on Election Day to lawyers, judges, and politicians.

The danger posed by hair-splitting post-election controversies in extremely close states is a continuing threat, because the country is currently in an era of consecutive non-landslide elections (section 1.1.2).

None of these maneuvers would be practical if the choice of President were based on massive nationwide margins, instead of slender margins in one to three states.

In short, the current state-by-state winner-take-all method of electing the President presents a threat to the country's stability.

As of August 2024, it appeared that the presidential race could be decided in seven closely divided states. Vice President Kamala Harris embarked on visits to seven closely divided states immediately after announcing her choice of Minnesota Governor Tim Walz to be her running mate on August 6.

As Jeh Johnson, former Secretary of Homeland Security, pointed out in an interview with Nicolle Wallace on *Deadline White House* on August 8, 2024:

> "[T]he outcome of a presidential election dances on the head of a pin. This election will almost certainly be decided in somewhere between five and seven states. … The critical juncture is the process through which we count those votes and then select electors to represent the states."

> "There are points in this process where someone engaging in a criminal conspiracy, an anti-democratic effort, could try to alter the result of a national election. They tried it in 2020. They failed. And, as you pointed out, lawyers were part of the problem. They were part of the conspiracy. And, now we're calling on lawyers to be part of the solution."

Former federal appeals court judge Michael Luttig said in the same interview:

> "[A] score or more of American lawyers played an ignoble role in the 2020 effort by the former president to overturn that presidential election. And, the rest of the 1.23 million lawyers here in America are bearing the burden of that egregious lawyerly conduct four years ago. … American democracy and the rule of law are under attack."

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election-related crimes since 2020: at https://docs.google.com/spreadsheets/d/1wtN6RpLW_-g1gBYwWd5H aYiL6MtmG_nwC6kpIhzickU/edit#gid=0

1.4. EVERY VOTE IS NOT EQUAL THROUGHOUT THE UNITED STATES UNDER THE CURRENT SYSTEM.

There are five built-in sources of inequality in the current system of electing the President.

Each of these five inequalities is vastly greater than the inequalities that courts tolerate when reviewing the constitutionality of congressional, state, and local legislative districts under the one-person-one-vote principle.

For example, after the 2020 census, the largest allowable difference in population between congressional districts within any state was 0.76%—that is, an inequality of 1.0076-to-1 in the value of a vote.[242]

For state legislative districts, deviations as large as 10% (that is, 1.1-to-1) were generally allowed.

> "Over a series of cases, it has become accepted that a plan will be constitutionally suspect if the largest and smallest districts are more than **ten percent apart**."[243] [Emphasis added]

The five inequalities that are built into the current system of electing the President are a:

- 3.81-to-1 inequality in the value of a vote arising from the two senatorial electoral votes that each state receives in addition to the number warranted by its population;
- 1.72-to-1 inequality in the value of a vote because of the process used to apportion U.S. House seats among the states (and hence electoral votes);
- 1.39-to-1 inequality in the value of a vote caused by the intra-decade population changes after each census;
- 1.67-to-1 inequality in the value of a vote created by voter-turnout differences from state to state; and
- 210-to-1 inequality in the power of a vote to decide the national outcome under the current state-by-state winner-take-all method of awarding electoral votes.

1.4.1. Inequality because of the two senatorial electoral votes

The U.S. Constitution specifies that each state's number of electoral votes is the sum of its number of members in the U.S. House of Representatives plus its number of Senators (two).

That is, each state receives two electoral votes above the number of electoral votes warranted by its population.

Because of these senatorial electoral votes, a vote cast in a small state has mathematically more weight than a vote cast in a large state.

For example, Wyoming is the smallest state with a population of 576,851 (according to the 2020 census). It has three electoral votes in the 2024 and 2028 presidential elections. California is the largest state (population 39,538,223) and has 54 electoral votes.

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[242] National Conference of State Legislatures. 2012. 2010 Redistricting Table. https://www.ncsl.org/research/redistricting/2010-ncsl-redistricting-deviation-table.aspx

[243] Spencer, Doug. 2022. Equal Population. *Prof. ~~Justin Levitt's~~ Doug Spencer's Guide to Drawing Electoral Lines.* Accessed September 4, 2022. https://redistricting.lls.edu/redistricting-101/where-are-the-lines-drawn/

That is, there is one presidential elector for 192,283 people in Wyoming, compared to one presidential elector for 732,189 people in California.

Thus, because of the existence of senatorial electoral votes, the ratio of the number of persons per electoral vote for Wyoming to the number of persons per electoral vote for California is 3.81-to-1.

Table 1.34 shows, for each state, the ratio of the number of persons per electoral vote, compared to the number of persons per electoral vote for the nation's smallest state (Wyoming).

- Column 2 shows the population of each state according to the 2020 census;
- Column 3 shows the state's number of electoral votes in the 2024 and 2028 presidential elections;
- Column 4 shows the number of persons per electoral vote for each state;
- Column 5 shows the ratio of the number of persons per electoral vote for each state to the number of persons per electoral vote for the nation's smallest state (Wyoming).

The table is sorted from the state with the highest ratio (California), down to the state with the lowest ratio (Wyoming).[244]

The practical *political* effect, as compared to the *arithmetic* ratios shown in this table, is discussed later in section 9.3.1.

1.4.2. Inequality because of imprecision in the apportionment of U.S. House seats

The Constitution specifies:

> "**Representatives … shall be apportioned** among the several States which may be included within this Union, **according to their respective Numbers**…."[245] [Emphasis added]

Nonetheless, the actual process of apportioning Representatives among the states introduces inequalities into the current system for electing the President in three ways:

- Because a relatively small number of House seats (435) must be distributed over a relatively large number of states (50), any mathematical formula used to apportion House seats (and hence electoral votes) will necessarily create significant differences among the states in terms of the number of people per congressional district.
- Additional inequalities are introduced by the peculiarities of the particular mathematical formula currently used (one of four methods that have been used historically).
- The essentially arbitrary choice of the number of House seats (made in 1911) alone altered the outcome of four presidential elections.[246]

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[244] Table 4.7 is similar to this table, except that the comparison is made in terms of the value of a vote in each state.

[245] U.S. Constitution. Article I, section 2, clause 3.

[246] Apportionment Act of 1911. Public Law 62-5. https://uslaw.link/citation/us-law/public/62/5

Table 1.34 Ratio of number of persons per electoral vote compared to the nation's smallest state

State	2020 population	Electoral votes 2024–2028	Persons per electoral vote	Comparison to smallest state
California	39,538,223	54	732,189	3.81
Texas	29,145,505	40	728,638	3.79
New York	20,201,249	28	721,473	3.75
Florida	21,538,187	30	717,940	3.73
Ohio	11,799,448	17	694,085	3.61
Pennsylvania	13,002,700	19	684,353	3.56
Illinois	12,812,508	19	674,343	3.51
Michigan	10,077,331	15	671,822	3.49
Georgia	10,711,908	16	669,494	3.48
Virginia	8,631,393	13	663,953	3.45
New Jersey	9,288,994	14	663,500	3.45
North Carolina	10,439,388	16	652,462	3.39
Arizona	7,151,502	11	650,137	3.38
Washington	7,705,281	12	642,107	3.34
Massachusetts	7,029,917	11	639,083	3.32
Tennessee	6,910,840	11	628,258	3.27
Maryland	6,177,224	10	617,722	3.21
Indiana	6,785,528	11	616,866	3.21
Missouri	6,154,913	10	615,491	3.20
Wisconsin	5,893,718	10	589,372	3.07
Louisiana	4,657,757	8	582,220	3.03
Colorado	5,773,714	10	577,371	3.00
Minnesota	5,706,494	10	570,649	2.97
South Carolina	5,118,425	9	568,714	2.96
Oklahoma	3,959,353	7	565,622	2.94
Kentucky	4,505,836	8	563,230	2.93
Alabama	5,024,279	9	558,253	2.90
Utah	3,271,616	6	545,269	2.84
Iowa	3,190,369	6	531,728	2.77
Oregon	4,237,256	8	529,657	2.75
Nevada	3,104,614	6	517,436	2.69
Connecticut	3,605,944	7	515,135	2.68
Arkansas	3,011,524	6	501,921	2.61
Mississippi	2,961,279	6	493,547	2.57
Kansas	2,937,880	6	489,647	2.55
Idaho	1,839,106	4	459,777	2.39
West Virginia	1,793,716	4	448,429	2.33
New Mexico	2,117,522	5	423,504	2.20
Nebraska	1,961,504	5	392,301	2.04
Hawaii	1,455,271	4	363,818	1.89
New Hampshire	1,377,529	4	344,382	1.79
Maine	1,362,359	4	340,590	1.77
Delaware	989,948	3	329,983	1.72
South Dakota	886,667	3	295,556	1.54
Rhode Island	1,097,379	4	274,345	1.43
Montana	1,084,225	4	271,056	1.41
North Dakota	779,094	3	259,698	1.35
Alaska	733,391	3	244,464	1.27
D.C.	689,545	3	229,848	1.20
Vermont	643,077	3	214,359	1.11
Wyoming	576,851	3	192,284	1.00
Total	**331,449,281**	**538**		

Table 1.35 Comparison of value of a vote in the seven jurisdictions with three electoral votes in 2024–2028

State	2020 population	Electoral votes 2024–2028	Persons per electoral vote	Comparison to smallest state
Delaware	989,948	3	329,983	1.72
South Dakota	886,667	3	295,556	1.54
North Dakota	779,094	3	259,698	1.35
Alaska	733,391	3	244,464	1.27
D.C.	689,545	3	229,848	1.20
Vermont	643,077	3	214,359	1.11
Wyoming	576,851	3	192,284	1.00

As a result, a vote for President in certain states has considerably greater value than a vote in other states—even among states possessing the same number of electoral votes.

As an illustration, consider the six smallest states and the District of Columbia—each of which has three electoral votes in the 2024 and 2028 presidential elections.

Table 1.35 compares the number of persons per electoral vote in these seven jurisdictions with three electoral votes.

- Column 2 shows the population of each state (2020 census). The table is sorted from the state with the highest population among states with three electoral votes (i.e., Delaware) down to the state with the lowest population (i.e., Wyoming).
- Column 3 shows each state's number of electoral votes.
- Column 4 shows the number of persons per electoral vote for each state.
- Column 5 shows the ratio of the number of persons per electoral vote for each state to the number of persons per electoral vote for the smallest state with three electoral votes (Wyoming).

As can be seen from the table, one electoral vote corresponds to 329,983 people in Delaware, but only 192,284 people in Wyoming.

The ratio of the number of people per electoral vote for Delaware to the number of people per electoral vote for Wyoming is 1.72-to-1.

Similarly, the ratio of the number of people per electoral vote for South Dakota to the number of people per electoral vote for Wyoming is 1.54-to-1.

There are lesser (but still considerable) disparities in the value of a vote for the remaining states in this group (namely North Dakota, Alaska, the District of Columbia, and Vermont).

An almost identically large disparity (up to 1.70-to-1) appears in the group of seven states with four electoral votes.

Table 1.36 compares the number of persons per electoral vote in the seven states with four electoral votes.

As shown in this table, one electoral vote corresponds to 459,777 people in Idaho, but only 271,056 in Montana—a 1.70-to-1 variation.

Table 1.36 Comparison of value of a vote in the seven states with four electoral votes in 2024–2028

State	2020 population	Electoral votes 2024–2028	Persons per electoral vote	Comparison to smallest state
Idaho	1,839,106	4	459,777	1.70
West Virginia	1,793,716	4	448,429	1.65
Hawaii	1,455,271	4	363,818	1.34
New Hampshire	1,377,529	4	344,382	1.27
Maine	1,362,359	4	340,590	1.26
Rhode Island	1,097,379	4	274,345	1.01
Montana	1,084,225	4	271,056	1.00

Table 1.37 compares the number of persons per electoral vote in the two states with five electoral votes. As can be seen in this table, one electoral vote corresponds to 423,504 people in New Mexico, but only 392,301 in Nebraska—a 1.08-to-1 variation.

Table 1.37 Comparison of value of a vote in the two states with five electoral votes in 2024–2028

State	2020 population	Electoral votes 2024–2028	Persons per electoral vote	Comparison to smallest state
New Mexico	2,117,522	5	423,504	1.08
Nebraska	1,961,504	5	392,301	1.00

Table 1.38 the number of persons per electoral vote in the six states with six electoral votes. As shown in this table, one electoral vote corresponds to 545,269 people in Utah, but only 489,647 in Kansas—a 1.11-to-1 variation.

Table 1.38 Comparison of value of a vote in the six states with six electoral votes in 2024–2028

State	2020 population	Electoral votes 2024–2028	Persons per electoral vote	Comparison to smallest state
Utah	3,271,616	6	545,269	1.11
Iowa	3,190,369	6	531,728	1.09
Nevada	3,104,614	6	517,436	1.06
Arkansas	3,011,524	6	501,921	1.03
Mississippi	2,961,279	6	493,547	1.01
Kansas	2,937,880	6	489,647	1.00

Similar variations exist within other groups of states possessing the same number of electoral votes.

Effect of 1941 choice of the mathematical formula

An additional source of inequalities is the choice—made in 1941—of the particular mathematical formula used to apportion the House.

> "Historically, the United States has used four different apportionment methods that fall into two categories: Hamilton's method (a quota method), Huntington-Hill's method (a divisor method), Jefferson's method (a divisor method), and Webster's method (also a divisor method)."[247]

If the reapportionment based on the 2020 census had been based on Webster's method instead of Huntington-Hill's method, Ohio and New York each would have received one fewer House seat, while Montana and Rhode Island would each have received an additional seat.[248]

> "In 1941, Webster's method lost to Huntington-Hill's method in part because of an erroneous understanding of the apportionment methods' mathematical properties, in part because of Harvard Professor Edward Huntington's personal charisma, and in part because of the immediate political advantage that Huntington-Hill's method afforded the party in power at the time. What tipped President Franklin D. Roosevelt and his fellow Democrats in favor of Huntington-Hill's method was that if it were adopted, it would take a seat from a Republican state (Michigan) and give it to a Democratic state (Arkansas)."[249]

Effect of 1911 choice of number of seats

Another source of the above inequalities is the choice—made in 1911—of the size of the House (currently 435). This choice has decided four presidential elections, as discussed in section 1.3.9.

1.4.3. Inequality because of population changes after each census

Even though the number of people living in each state changes from year to year, a state's number of votes in the Electoral College is only adjusted once every 10 years.

Consider the fast-growing state of Utah that grew by:

- 30% during the decade between the 1990 and 2000
- 24% during the decade between 2000 and 2010
- 18% during the decade between 2010 and 2020.

Despite the considerable intra-decade growth, Utah's number of votes in the Electoral College remained static during the entire 10-year period after each census.

For example, the 2020 presidential election was conducted using a 10-year-old allocation of electoral votes based on the 2010 census. The 2008 presidential election was conducted on the basis of eight-year-old data.

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[247] Li, Ruoxi. 2022. The Malapportionment of the US House of Representatives: 1940–2020. *PS: Political Science & Politics*. Cambridge University Press. Volume 55. Issue 4. October 2022. Pages 647–654. https://doi.org/10.1017/S1049096522000701

[248] See table 6. Li, Ruoxi. 2022. The Malapportionment of the US House of Representatives: 1940–2020. *PS: Political Science & Politics*. Cambridge University Press. Volume 55. Issue 4. October 2022. Pages 647–654. https://doi.org/10.1017/S1049096522000701

[249] Li, Ruoxi. 2022. The Malapportionment of the US House of Representatives: 1940–2020. *PS: Political Science & Politics*. Cambridge University Press. Volume 55. Issue 4. October 2022. Pages 647–654. https://doi.org/10.1017/S1049096522000701

The intra-decade inequality is usually relatively small for a presidential election occurring in the second year of a decade—when the census is only two years out-of-date. However, this inequality typically reaches a peak when a presidential election is held in the eighth or tenth year of a decade.

Table 1.39 compares the number of voters per electoral vote in the presidential election held in the final year of the decade (2000) in the four states with five electoral votes at the time, namely Utah, Nebraska, West Virginia, and New Mexico.

- Column 2 shows the population of each state according to the 1990 census.
- Column 3 shows the population according to the April 2000 census.[250]
- Column 4 shows the number of popular votes cast in the 2000 presidential election in each state.
- Column 5 shows the number of popular votes corresponding to one electoral vote for each state.
- Column 6 shows, for each state, the ratio of the number of voters represented by one electoral vote to that of the lowest in the table (New Mexico).

As can be seen from the table, one electoral vote in 2000 corresponded to 150,800 popular votes in Utah, but only 118,890 popular votes in New Mexico. The ratio of the number of voters in 2000 per electoral vote for Utah to the corresponding number for New Mexico is 1.27-to-1.

Table 1.39 Comparison of the number of voters per electoral vote in 2000 in states with five electoral votes

State	1990 population	2000 population	Votes cast in 2000 presidential election	Popular votes per electoral vote in 2000	Comparison to lowest
Utah	1,722,850	2,233,169	753,999	150,800	1.27
Nebraska	1,578,385	1,711,263	690,182	138,036	1.16
West Virginia	1,793,477	1,808,344	642,652	128,530	1.08
New Mexico	1,515,069	1,819,046	594,451	118,890	1.00

The same thing happened in the decade after the 2010 census.

Utah was one of six states that had six electoral votes in the 2012, 2016, and 2020 presidential elections.

Table 1.40 compares the number of voters per electoral vote in the presidential election held in the final year of the decade (2020) in the six states with six electoral votes at the time.

As can be seen from the table, one electoral vote in 2020 corresponded to 281,812 popular votes in Iowa, but only 203,178 popular votes in Arkansas. The ratio of the number of voters in 2000 per electoral vote for Iowa to the corresponding number for Arkansas is 1.39-to-1.

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[250] Note that the census count in April 2000 closely approximated a state's population at the time of the presidential election in November 2000.

Table 1.40 Comparison of the number of voters per electoral vote in 2020 in states with six electoral votes

State	2010 population	2020 population	Votes cast in 2020 presidential election	Popular votes per electoral vote in 2020	Comparison to lowest turnout state
Iowa	3,046,355	3,190,369	1,690,871	281,812	1.39
Utah	2,763,885	3,271,616	1,505,931	250,989	1.24
Nevada	2,700,551	3,104,614	1,405,376	234,229	1.15
Kansas	2,853,118	2,937,880	1,377,484	229,581	1.13
Mississippi	2,967,297	2,961,279	1,314,475	219,079	1.08
Arkansas	2,915,918	3,011,524	1,219,069	203,178	1.00

1.4.4. Inequality because of voter-turnout differences

Under the current system of electing the President, a vote cast in a low-turnout state has greater value than a vote cast elsewhere.

As detailed later in this chapter (in section 1.5), voter turnout in presidential election years varies significantly, depending on whether a state is a closely divided battleground state or a spectator state.

Thus, in order to illustrate the effect of turnout on the value of a vote from state to state, we need to eliminate the effect of a state's presidential battleground status. We can accomplish this by using data from a midterm election.

Table 1.41 shows, by state, the percentage of the population that voted in the November 2018 midterm elections.[251,252] The table is sorted from the state with the highest percentage (52%) to the state with lowest percentage (31%), as shown in column 4. Column 5 is the ratio of each state's turnout to the lowest state's turnout (Hawaii).

As can be seen from the table, the highest voter turnout percentage is 52%, and the lowest is 31. The ratio 52% to 31% is 1.67-to-1.

1.4.5. Inequality in the power of a voter to decide the national outcome under the current system

The previous four sections discussed inequalities of 3.81-to-1, 1.72-to-1, 1.39-to-1, and 1.67-to-1 that are inherent in the current system.

These inequalities are all substantial.

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[251] See section 1.5 for tables showing voter turnout in presidential election years.

[252] U.S. Census Bureau. *Voting and Registration in the Election of November 2018*. April 2019. table 4a. https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-583.html There are, of course, numerous (slightly) different ways to compute voter turnout. In fact, this citation to the Census Bureau web site contains data for computing turnout in three different ways. The calculation in the table here is based on the state's population, compared to the number of people who voted in that state. Alternatively, voter turnout can be computed based on voting-age population, estimates of citizens of voting age in each state, or the actual number of registered voters. Regardless of the method used, there is considerable variation in voter turnout from state to state.

Table 1.41 Percent of population that voted in 2018

State	Population 2010	Total voters (thousands)	Percent of population that voted	Comparison to lowest turnout state
Montana	994,416	518	52%	1.67
D.C.	601,723	313	52%	1.67
Maine	1,333,074	693	52%	1.66
Oregon	3,848,606	1,918	50%	1.60
North Dakota	675,905	335	50%	1.59
Wisconsin	5,698,230	2,776	49%	1.56
Washington	6,753,369	3,234	48%	1.53
Minnesota	5,314,879	2,523	47%	1.52
Colorado	5,044,930	2,342	46%	1.49
Michigan	9,911,626	4,418	45%	1.43
Utah	2,770,765	1,214	44%	1.40
Iowa	3,053,787	1,335	44%	1.40
Arizona	6,412,700	2,800	44%	1.40
New Hampshire	1,321,445	576	44%	1.40
Vermont	630,337	273	43%	1.39
Georgia	9,727,566	4,084	42%	1.34
Florida	18,900,773	7,918	42%	1.34
Missouri	6,011,478	2,509	42%	1.34
Massachusetts	6,559,644	2,731	42%	1.33
Virginia	8,037,736	3,319	41%	1.32
Delaware	900,877	369	41%	1.31
North Carolina	9,565,781	3,899	41%	1.30
Pennsylvania	12,734,905	5,173	41%	1.30
South Dakota	819,761	331	40%	1.29
Kansas	2,863,813	1,152	40%	1.29
Kentucky	4,350,606	1,746	40%	1.28
Maryland	5,789,929	2,320	40%	1.28
Mississippi	2,978,240	1,180	40%	1.27
South Carolina	4,645,975	1,836	40%	1.27
Ohio	11,568,495	4,538	39%	1.26
Tennessee	6,375,431	2,487	39%	1.25
Wyoming	568,300	220	39%	1.24
New Jersey	8,807,501	3,384	38%	1.23
Connecticut	3,581,628	1,370	38%	1.22
Rhode Island	1,055,247	403	38%	1.22
Alabama	4,802,982	1,830	38%	1.22
Idaho	1,573,499	587	37%	1.19
Nevada	2,709,432	1,006	37%	1.19
Nebraska	1,831,825	676	37%	1.18
Illinois	12,864,380	4,740	37%	1.18
Alaska	721,523	263	36%	1.17
Louisiana	4,553,962	1,656	36%	1.16
Indiana	6,501,582	2,364	36%	1.16
Oklahoma	3,764,882	1,350	36%	1.15
California	37,341,989	13,240	35%	1.13
Texas	25,268,418	8,886	35%	1.13
New York	19,421,055	6,775	35%	1.12
New Mexico	2,067,273	715	35%	1.11
West Virginia	1,859,815	610	33%	1.05
Arkansas	2,926,229	919	31%	1.01
Hawaii	1,366,862	427	31%	1.00
Total	**309,785,186**	**122,281**	**39%**	

However, there is a considerably larger source of inequality inherent in the current system—namely the power of a voter to decide the presidency under the state-by-state winner-take-all method of awarding electoral votes.

In the first six presidential elections of the 2000s, the presidency was decided by an average of 287,969 popular votes distributed over an average of just three decisive states, as shown in table 1.33.

As shown in the table, there is a 210-to-1 inequality in the power of a vote to decide the national outcome under the current state-by-state winner-take-all method of awarding electoral votes.

1.5. VOTER PARTICIPATION IS LOWER IN SPECTATOR STATES THAN IN BATTLEGROUND STATES.

Many voters have come to understand that they are politically irrelevant in the general-election for President.

Voter turnout was considerably higher in the closely divided battleground states than in the rest of the country. Specifically, it was:

- 11% higher in 2020
- 11% higher in 2016
- 16% higher in 2012
- 9% higher in 2008.

Details follow for each election.

1.5.1. 2020 election

In 2020, voter turnout in the 12 closely divided battleground states was 11% higher than in the 39 spectator states.

Voter turnout was 67.94% nationally in 2020. This percentage was computed from the following statistics:

- The civilian voting-age population (CVAP), as computed by the U.S. Census Bureau, was 235,418,734.
- A total of 159,934,200 people turned out to vote in the 2020 presidential election.[253]

As previously mentioned, virtually all (96%) of the 2020 general-election campaign events (204 of the 212 events) occurred in 12 closely divided battleground states (section 1.2.1). Each of the battleground states received between four and 47 campaign events. The other 38 states and the District of Columbia were almost totally ignored.

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[253] The total number of votes cast for President in 2020 was 158,224,999. That is, 98.9% of the people who turned out to vote in 2020 voted for President (and 1.1% abstained in the presidential race).

Table 1.42 shows voter turnout in 2020 in the 12 battleground states.

- Column 4 of the table shows the state's civilian voting-age population (CVAP) as reported by the U.S. Election Assistance Commission.[254]
- Column 5 shows the number of people who voted in the state.
- Column 1 shows each state's voter turnout percentage—that is, column 5 divided by column 4.
- Column 2 shows the number of presidential general-election campaign events for each state. .

Turnout in the 12 battleground states in 2020 was 54,173,497 people out of a total civilian voting-age population of 76,309,782—that is, turnout was 70.99%.

Table 1.42 Voter turnout in the 12 battleground states in 2020

Turnout percent	2020 events	State	CVAP	Voter turnout
71%	47	Pennsylvania	9,810,201	6,973,951
72%	31	Florida	15,507,315	11,137,676
72%	25	North Carolina	7,729,644	5,543,405
74%	21	Michigan	7,562,464	5,579,317
75%	18	Wisconsin	4,412,888	3,308,331
67%	13	Ohio	8,879,469	5,974,121
67%	13	Arizona	5,137,474	3,420,481
67%	11	Nevada	2,111,932	1,407,761
79%	9	Minnesota	4,157,556	3,290,013
66%	7	Georgia	7,581,837	5,023,812
72%	5	Iowa	2,348,787	1,700,130
76%	4	New Hampshire	1,070,215	814,499
70.99%	**204**	**Total**	**76,309,782**	**54,173,497**

Table 1.43 shows the voter turnout in the 38 spectator states and the District of Columbia. The table is sorted based on the number of general-election campaign events in column 2 (and secondarily by the turnout percentage in column 1). Thirty-four of these 39 spectator jurisdictions were totally ignored. Five of these 39 places together received only eight of the nation's 212 general-election campaign events.

As can be seen from the table, turnout in the 38 spectator states and the District of Columbia in 2020 was 105,760,703 people out of a total civilian voting-age population of 159,108,952—that is, turnout was 66.47%.

We now compare turnout in the battlegrounds with the rest of the country.

The ratio of 70.99% (the turnout in the 12 battleground states) to 66.47% (the turnout in the 38 spectator states and the District of Columbia) is 1.11-to-1.

That is, 11% more people turned out to vote in the 12 battleground states than in the 38 spectator states and the District of Columbia in 2020.

Battleground status is not, of course, the sole factor in determining voter turnout.

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[254] U.S. Election Assistance Commission. 2021. *The Election Administration and Voting Survey: 2020 Comprehensive Report*. Pages 27–28. https://www.eac.gov/sites/default/files/document_library/files/2020_EAVS _Report_Final_508c.pdf. Also see https://www.eac.gov/research-and-data/datasets-codebooks-and-surveys

Table 1.43 Voter turnout in the 39 spectator states in 2020

Turnout percent	2020 events	State	CVAP	Voter turnout
61%	3	Texas	18,875,542	11,449,044
76%	2	Maine	1,078,770	822,534
72%	1	Virginia	6,226,623	4,487,338
70%	1	Nebraska	1,388,950	966,786
62%	1	Indiana	4,978,356	3,103,284
78%		Colorado	4,244,210	3,320,607
76%		Washington	5,409,035	4,116,055
76%		Oregon	3,162,204	2,396,123
74%		Vermont	498,705	368,075
74%		Montana	831,760	612,141
73%		New Jersey	6,170,130	4,494,659
72%		Massachusetts	5,057,192	3,658,005
72%		Utah	2,134,249	1,542,529
71%		Connecticut	2,619,474	1,863,479
71%		Delaware	725,178	514,656
71%		Maryland	4,316,921	3,059,603
69%		Missouri	4,650,318	3,201,458
68%		Idaho	1,282,630	878,527
68%		California	26,032,160	17,720,746
68%		Alaska	533,151	361,400
68%		Illinois	9,088,036	6,140,545
66%		Kansas	2,103,748	1,379,623
65%		South Dakota	653,394	427,406
65%		Rhode Island	800,798	519,412
65%		South Carolina	3,892,341	2,523,856
65%		D.C.	536,768	346,491
64%		North Dakota	567,545	364,499
64%		Wyoming	434,852	278,503
64%		Kentucky	3,367,502	2,149,444
63%		New York	13,810,830	8,701,749
63%		Louisiana	3,463,372	2,169,354
62%		Alabama	3,731,336	2,329,047
61%		New Mexico	1,522,171	928,230
60%		Tennessee	5,129,580	3,074,692
59%		Mississippi	2,246,323	1,334,155
57%		Hawaii	1,014,035	580,098
56%		West Virginia	1,420,289	801,667
54%		Oklahoma	2,875,059	1,564,886
54%		Arkansas	2,235,415	1,209,997
66.47%	**8**	**Total**	**159,108,952**	**105,760,703**

Table 1.44 shows each state's voter turnout for the 2020 election. The 12 battleground states are highlighted in bold. The table is sorted according to the state's voter turnout (column 1). Minnesota is at the top (with 79% turnout), and Arkansas is at the bottom (with 54% turnout).

A glance at table 1.44 shows that none of the 12 battleground states (highlighted in bold) is among the 20 low-turnout states at the bottom of the table. Two-thirds of the battleground states had above-average turnout—that is, turnout above 67.94%.

However, the table also indicates that a state's voter turnout is influenced by factors other than the state's battleground status.

For example, voter turnout was usually higher in the states where every voter received a ballot by mail in 2020.[255] Turnout in five of the eight "vote by mail" states (Colorado, Oregon, Utah, Vermont, and Washington) was higher than the national average.[256]

A state's demographics (particularly education and income) play an important role in voter turnout. A glance at the bottom portion of the table shows numerous low-turnout states with below-average levels of education and income.

Although difficult to quantify, the ease of voting also impacts turnout.

Another intangible factor is that some states historically have had a culture of greater civic participation. For example, Minnesota appears near the top of the list in all four of the presidential elections between 2008 and 2020—even though it received almost no attention from presidential campaigns in three of those four elections (namely, 2008, 2012, and 2016, as shown in tables later in this section).

Nonetheless, presidential campaigning in a state exerts a major impact on voter turnout, and turnout in the 12 battleground states was 11% higher in 2020 than in the 38 spectator states and the District of Columbia.

1.5.2. 2016 election

In 2016, voter turnout in the 12 closely divided battleground states was 11% higher than in the 38 spectator states and the District of Columbia. This is the same percentage difference as 2020.

Voter turnout in 2016 was 62.2% nationally.

Specifically, 138,467,690 people turned out to vote, out of a civilian voting-age population of 222,469,187.[257]

In 2016, virtually all (94%) of the general-election campaign events (375 of the 399 events) occurred in the 12 states that were closely divided that year. Each of these 12 battleground states received a considerable number of events (i.e., between 10 and 71). In

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[255] National Conference of State Legislatures. 2022. Vote-by-Mail States. https://www.ncsl.org/research/elections-and-campaigns/vopp-table-18-states-with-all-mail-elections.aspx

[256] "Vote by mail" alone does not guarantee above-average turnout. In 2020, three of the vote-by-mail states (Hawaii, Nevada, and California) did not have above-average turnout. These three states did, however, experience significant increases in their turnout, compared to 2016, when they did not use vote by mail. Specifically, Hawaii's low turnout increased from 44% in 2016 without "vote by mail" to 57% with it; Nevada's turnout increased from to 61% to 67%; and California's turnout increased from 60% to 68%.

[257] U.S. Election Assistance Commission. 2017. *The Election Administration and Voting Survey: 2016 Comprehensive Report*. Pages 20–21. https://www.eac.gov/sites/default/files/eac_assets/1/6/2016_EAVS_Comprehensive_Report.pdf

Table 1.44 Voter turnout in 2020

Turnout percent	2020 events	State	CVAP	Voter turnout
79%	**9**	**Minnesota**	**4,157,556**	**3,290,013**
78%		Colorado	4,244,210	3,320,607
76%	2	Maine	1,078,770	822,534
76%	**4**	**New Hampshire**	**1,070,215**	**814,499**
76%		Washington	5,409,035	4,116,055
76%		Oregon	3,162,204	2,396,123
75%	**18**	**Wisconsin**	**4,412,888**	**3,308,331**
74%		Vermont	498,705	368,075
74%	21	Michigan	7,562,464	5,579,317
74%		Montana	831,760	612,141
73%		New Jersey	6,170,130	4,494,659
72%	5	Iowa	2,348,787	1,700,130
72%		Massachusetts	5,057,192	3,658,005
72%		Utah	2,134,249	1,542,529
72%	1	Virginia	6,226,623	4,487,338
72%	**31**	**Florida**	**15,507,315**	**11,137,676**
72%	**25**	**North Carolina**	**7,729,644**	**5,543,405**
71%		Connecticut	2,619,474	1,863,479
71%	47	Pennsylvania	9,810,201	6,973,951
71%		Delaware	725,178	514,656
71%		Maryland	4,316,921	3,059,603
70%	1	Nebraska	1,388,950	966,786
69%		Missouri	4,650,318	3,201,458
68%		Idaho	1,282,630	878,527
68%		California	26,032,160	17,720,746
68%		Alaska	533,151	361,400
68%		Illinois	9,088,036	6,140,545
67%	**13**	**Ohio**	**8,879,469**	**5,974,121**
67%	**11**	**Nevada**	**2,111,932**	**1,407,761**
67%	**13**	**Arizona**	**5,137,474**	**3,420,481**
66%	**7**	**Georgia**	**7,581,837**	**5,023,812**
66%		Kansas	2,103,748	1,379,623
65%		South Dakota	653,394	427,406
65%		Rhode Island	800,798	519,412
65%		South Carolina	3,892,341	2,523,856
65%		D.C.	536,768	346,491
64%		North Dakota	567,545	364,499
64%		Wyoming	434,852	278,503
64%		Kentucky	3,367,502	2,149,444
63%		New York	13,810,830	8,701,749
63%		Louisiana	3,463,372	2,169,354
62%		Alabama	3,731,336	2,329,047
62%	1	Indiana	4,978,356	3,103,284
61%		New Mexico	1,522,171	928,230
61%	3	Texas	18,875,542	11,449,044
60%		Tennessee	5,129,580	3,074,692
59%		Mississippi	2,246,323	1,334,155
57%		Hawaii	1,014,035	580,098
56%		West Virginia	1,420,289	801,667
54%		Oklahoma	2,875,059	1,564,886
54%		Arkansas	2,235,415	1,209,997
67.94%	**212**	**Total**	**235,418,734**	**159,934,200**

Table 1.45 Voter turnout in the 12 battleground states in 2016

Turnout percent	2016 events	State	CVAP	Voter Turnout
69%	71	Florida	13,933,052	9,613,669
66%	55	North Carolina	7,107,998	4,690,195
64%	54	Pennsylvania	9,710,416	6,223,150
64%	48	Ohio	8,709,050	5,607,641
67%	23	Virginia	5,953,612	3,996,302
66%	22	Michigan	7,380,136	4,874,619
74%	21	New Hampshire	1,020,130	757,669
69%	21	Iowa	2,285,126	1,581,371
77%	19	Colorado	3,750,953	2,884,199
61%	17	Nevada	1,863,799	1,128,492
70%	14	Wisconsin	4,294,321	2,993,000
60%	10	Arizona	4,526,594	2,722,660
66.7%	**375**	**Total**	**70,535,187**	**47,072,967**

contrast, the states that received the remaining 24 events (a mere 6% of the total of 375 events) received no more than three events each.[258]

Table 1.45 shows voter turnout in the 12 battleground states in 2016. It is sorted according to the state's number of general-election campaign events (shown in column 2).

As can be seen from the table, 47,072,967 people voted, out of a total civilian voting-age population (CVAP) of 70,535,187. That is, the turnout in 2016 in the 12 battleground states was 66.7%.

Table 1.46 shows voter turnout in 2016 in the 38 spectator states and the District of Columbia. It is sorted based on the number of general-election campaign events in column 2 (and secondarily by the turnout percentage in column 1).

The table shows that 91,394,723 people voted, out of a total civilian voting-age population of 151,934,000. That is, the turnout in the 38 spectator states and the District of Columbia in 2016 was 60.2%.

The ratio of 66.7% (the turnout in the 12 battleground states) to 60.2% (the turnout in the 38 spectator states and the District of Columbia) is 1.11-to-1.

Thus, turnout in 2016 in the 12 battleground states was 11% higher than in the 38 spectator states and the District of Columbia.

Table 1.47 shows each state's voter turnout for the 2016 election. The 12 battleground states are highlighted in bold. The table is sorted according to the state's voter turnout (column 1).

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[258] The battleground states vary slightly from election to election. Of the dozen battleground states that together accounted for almost all of the entire general-election campaign in 2016, all but two appeared on the list for 2020. Specifically, Colorado and Virginia (which had been closely divided in 2016, 2012, and 2008) were both safely Democratic in 2020—and therefore virtually ignored in 2020. Meanwhile, two other states (Minnesota and Georgia) joined the list of the dozen battleground states that together accounted for almost the entire campaign in 2020. In 2016, Minnesota and Georgia received only three and two events (out of a national total of 399), respectively.

Table 1.46 Voter turnout in the 39 spectator states in 2016

Turnout percent	2016 events	State	CVAP	Voter Turnout
74%	3	Maine	1,048,274	771,892
59%	3	Georgia	6,978,660	4,147,161
55%	3	New Mexico	1,457,632	804,073
75%	2	Minnesota	3,950,807	2,973,744
66%	2	Missouri	4,525,035	2,973,855
65%	2	Nebraska	1,333,860	869,815
59%	2	Indiana	4,801,113	2,831,540
68%	1	Washington	4,937,212	3,363,452
65%	1	Connecticut	2,574,178	1,675,955
62%	1	Illinois	8,979,999	5,562,009
60%	1	California	24,280,349	14,610,494
60%	1	Utah	1,868,008	1,114,567
55%	1	Mississippi	2,210,424	1,209,357
52%	1	Texas	16,864,962	8,701,152
72%		Oregon	2,867,670	2,051,452
70%		Massachusetts	4,850,598	3,378,801
67%		Maryland	4,182,241	2,807,326
66%		Montana	781,250	516,901
66%		Delaware	681,606	448,217
66%		Vermont	493,124	323,623
65%		New Jersey	6,053,893	3,957,303
64%		D.C.	485,116	311,841
64%		North Dakota	546,486	349,945
63%		Idaho	1,130,550	710,495
62%		Alaska	523,747	323,288
60%		Rhode Island	776,565	469,547
60%		Louisiana	3,410,634	2,049,802
60%		South Dakota	621,461	372,988
60%		Wyoming	430,026	256,553
60%		South Carolina	3,566,508	2,124,952
60%		Kansas	2,053,919	1,223,491
59%		Kentucky	3,297,108	1,949,254
59%		Alabama	3,620,994	2,137,452
58%		New York	13,531,404	7,793,078
53%		Oklahoma	2,768,561	1,465,505
53%		Tennessee	4,828,366	2,545,271
50%		West Virginia	1,455,848	732,362
48%		Arkansas	2,164,083	1,048,513
44%		Hawaii	1,001,729	437,697
60.2%	**24**	**Total**	**151,934,000**	**91,394,723**

A glance at the table shows that the 12 battleground states (in bold) tend to appear near the top part of the table. All but two (Arizona and Nevada) had turnout above the national average of 62.2%.

Table 1.47 Voter turnout in 2016

Turnout percent	2016 events	State	CVAP	Voter Turnout
77%	**19**	**Colorado**	**3,750,953**	**2,884,199**
75%	2	Minnesota	3,950,807	2,973,744
74%	**21**	**New Hampshire**	**1,020,130**	**757,669**
74%	3	Maine	1,048,274	771,892
72%		Oregon	2,867,670	2,051,452
70%	**14**	**Wisconsin**	**4,294,321**	**2,993,000**
70%		Massachusetts	4,850,598	3,378,801
69%	**21**	**Iowa**	**2,285,126**	**1,581,371**
69%	**71**	**Florida**	**13,933,052**	**9,613,669**
68%	1	Washington	4,937,212	3,363,452
67%		Maryland	4,182,241	2,807,326
67%	**23**	**Virginia**	**5,953,612**	**3,996,302**
66%		Montana	781,250	516,901
66%	**22**	**Michigan**	**7,380,136**	**4,874,619**
66%	**55**	**North Carolina**	**7,107,998**	**4,690,195**
66%		Delaware	681,606	448,217
66%	2	Missouri	4,525,035	2,973,855
66%		Vermont	493,124	323,623
65%		New Jersey	6,053,893	3,957,303
65%	2	Nebraska	1,333,860	869,815
65%	1	Connecticut	2,574,178	1,675,955
64%	**48**	**Ohio**	**8,709,050**	**5,607,641**
64%		D.C.	485,116	311,841
64%	**54**	**Pennsylvania**	**9,710,416**	**6,223,150**
64%		North Dakota	546,486	349,945
63%		Idaho	1,130,550	710,495
62%	1	Illinois	8,979,999	5,562,009
62%		Alaska	523,747	323,288
61%	**17**	**Nevada**	**1,863,799**	**1,128,492**
60%		Rhode Island	776,565	469,547
60%	1	California	24,280,349	14,610,494
60%	**10**	**Arizona**	**4,526,594**	**2,722,660**
60%		Louisiana	3,410,634	2,049,802
60%		South Dakota	621,461	372,988
60%	1	Utah	1,868,008	1,114,567
60%		Wyoming	430,026	256,553
60%		South Carolina	3,566,508	2,124,952
60%		Kansas	2,053,919	1,223,491
59%	3	Georgia	6,978,660	4,147,161
59%		Kentucky	3,297,108	1,949,254
59%		Alabama	3,620,994	2,137,452
59%	2	Indiana	4,801,113	2,831,540
58%		New York	13,531,404	7,793,078
55%	3	New Mexico	1,457,632	804,073
55%	1	Mississippi	2,210,424	1,209,357
53%		Oklahoma	2,768,561	1,465,505
53%		Tennessee	4,828,366	2,545,271
52%	1	Texas	16,864,962	8,701,152
50%		West Virginia	1,455,848	732,362
48%		Arkansas	2,164,083	1,048,513
44%		Hawaii	1,001,729	437,697
62.2%	**399**	**Total**	**222,469,187**	**138,467,690**

Table 1.48 Voter turnout in the 12 battleground states in 2012

Turnout percent	2012 events	State	ECVAP	Voter Turnout
65%	73	Ohio	8,678,945	5,632,423
63%	40	Florida	13,534,127	8,557,692
66%	36	Virginia	5,883,341	3,896,846
70%	27	Iowa	2,280,022	1,589,951
71%	23	Colorado	3,654,799	2,594,628
72%	18	Wisconsin	4,271,926	3,078,135
71%	13	New Hampshire	1,014,537	718,700
56%	13	Nevada	1,804,094	1,017,772
60%	5	Pennsylvania	9,700,796	5,783,621
65%	3	North Carolina	7,013,407	4,539,729
75%	1	Minnesota	3,920,519	2,950,780
65%	1	Michigan	7,347,850	4,780,701
65.3%	**253**	**12 states**	**69,104,363**	**45,140,978**

1.5.3. 2012 election

In 2012, voter turnout in the 12 battleground states was 16% higher than in the 38 spectator states and the District of Columbia.

Voter turnout in 2012 was 59.1% nationally. Specifically, 129,664,614 people turned out to vote, out of an estimated civilian voting-age population of 219,493,648.[259]

In 2012, 100% of the 253 general-election campaign events occurred in the 12 closely divided battleground states.[260]

Table 1.48 shows voter turnout in the 12 battleground states in 2012. The table is sorted according to the state's number of general-election campaign events (shown in column 2).

The table shows that 45,140,978 people voted, out of an estimated civilian voting-age population (ECVAP) of 69,104,363. That is, turnout was 65.3% in the 12 battleground states in 2012.

Table 1.49 shows voter turnout in the 38 spectator states and the District of Columbia in 2012. The table shows that 84,523,636 people voted, out of a total civilian voting-age population of 150,389,285. That is, the turnout was 56.2%. This table is sorted according to the turnout percentage (column 1).

All of the general-election campaign events were concentrated in the 12 battleground states in 2012, so none of these 39 jurisdictions received any campaign events (column 2).

The ratio of 65.3% (the turnout in the 12 battleground states) to 56.2% (the turnout in the 38 spectator states and the District of Columbia) is 1.16.

Thus, turnout in the 12 battleground states was 16% higher than in the 38 spectator states and the District of Columbia in 2012.

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[259] U.S. Election Assistance Commission. 2013. The Election Administration and Voting Survey: 2012 Comprehensive Report. Pages 20–21. https://www.eac.gov/sites/default/files/Research/EAC_2012VoterSurvey.pdf

[260] The battleground states vary slightly from election to election. Of the dozen battleground states that together accounted for the entire general-election campaign in 2012, all but Minnesota appeared on the list for 2016 (when Arizona appeared on the list).

Table 1.49 Voter turnout in the 39 spectator states in 2012

Turnout percent	2012 events	State	ECVAP	Voter Turnout
69%		Maine	1,046,057	724,759
67%		Massachusetts	4,784,241	3,184,196
66%		Maryland	4,153,057	2,734,189
66%		Washington	4,879,174	3,206,490
64%		Oregon	2,822,652	1,820,507
63%		Montana	774,966	491,966
63%		Missouri	4,505,205	2,840,776
62%		D.C.	473,487	294,254
62%		Delaware	672,175	417,631
62%		Vermont	491,789	304,509
61%		Nebraska	1,329,041	815,568
61%		New Jersey	6,012,270	3,677,463
61%		North Dakota	536,097	326,239
61%		Connecticut	2,565,067	1,560,640
60%		Illinois	8,916,661	5,339,488
60%		Idaho	1,114,631	666,290
60%		South Dakota	619,251	368,816
59%		Louisiana	3,396,443	2,014,511
59%		Rhode Island	768,684	451,593
58%		Alaska	519,629	302,465
58%		Wyoming	430,996	250,701
58%		Alabama	3,595,400	2,083,309
57%		Georgia	6,867,525	3,910,557
57%		South Carolina	3,506,606	1,981,516
56%		Utah	1,829,834	1,023,036
56%		Indiana	4,780,336	2,663,373
56%		California	23,546,880	13,096,097
55%		Kentucky	3,283,865	1,815,896
54%		Kansas	2,053,815	1,115,281
53%		New York	13,408,596	7,128,852
53%		Arizona	4,376,217	2,323,579
52%		Tennessee	4,790,345	2,480,182
50%		Arkansas	2,159,446	1,080,809
49%		Oklahoma	2,757,440	1,343,380
48%		Texas	16,518,813	7,993,851
47%		West Virginia	1,460,372	685,099
47%		New Mexico	1,448,740	679,080
44%		Hawaii	993,045	436,774
40%		Mississippi	2,200,437	889,914
56.2%	**0**	**Total**	**150,389,285**	**84,523,636**

Table 1.50 Voter turnout in 2012

Turnout percent	2012 events	State	ECVAP	Voter Turnout
75%	1	**Minnesota**	**3,920,519**	**2,950,780**
72%	18	**Wisconsin**	**4,271,926**	**3,078,135**
71%	23	**Colorado**	**3,654,799**	**2,594,628**
71%	13	**New Hampshire**	**1,014,537**	**718,700**
70%	27	**Iowa**	**2,280,022**	**1,589,951**
69%		Maine	1,046,057	724,759
67%		Massachusetts	4,784,241	3,184,196
66%	36	**Virginia**	**5,883,341**	**3,896,846**
66%		Maryland	4,153,057	2,734,189
66%		Washington	4,879,174	3,206,490
65%	1	**Michigan**	**7,347,850**	**4,780,701**
65%	73	**Ohio**	**8,678,945**	**5,632,423**
65%	3	**North Carolina**	**7,013,407**	**4,539,729**
64%		Oregon	2,822,652	1,820,507
63%		Montana	774,966	491,966
63%	40	**Florida**	**13,534,127**	**8,557,692**
63%		Missouri	4,505,205	2,840,776
62%		D.C.	473,487	294,254
62%		Delaware	672,175	417,631
62%		Vermont	491,789	304,509
61%		Nebraska	1,329,041	815,568
61%		New Jersey	6,012,270	3,677,463
61%		North Dakota	536,097	326,239
61%		Connecticut	2,565,067	1,560,640
60%		Illinois	8,916,661	5,339,488
60%		Idaho	1,114,631	666,290
60%	5	**Pennsylvania**	**9,700,796**	**5,783,621**
60%		South Dakota	619,251	368,816
59%		Louisiana	3,396,443	2,014,511
59%		Rhode Island	768,684	451,593
58%		Alaska	519,629	302,465
58%		Wyoming	430,996	250,701
58%		Alabama	3,595,400	2,083,309
57%		Georgia	6,867,525	3,910,557
57%		South Carolina	3,506,606	1,981,516
56%	13	**Nevada**	**1,804,094**	**1,017,772**
56%		Utah	1,829,834	1,023,036
56%		Indiana	4,780,336	2,663,373
56%		California	23,546,880	13,096,097
55%		Kentucky	3,283,865	1,815,896
54%		Kansas	2,053,815	1,115,281
53%		New York	13,408,596	7,128,852
53%		Arizona	4,376,217	2,323,579
52%		Tennessee	4,790,345	2,480,182
50%		Arkansas	2,159,446	1,080,809
49%		Oklahoma	2,757,440	1,343,380
48%		Texas	16,518,813	7,993,851
47%		West Virginia	1,460,372	685,099
47%		New Mexico	1,448,740	679,080
44%		Hawaii	993,045	436,774
40%		Mississippi	2,200,437	889,914
59.1%	**253**	**Total**	**219,493,648**	**129,664,614**

Table 1.50 shows each state's turnout data for the 2012 election.[261] The table is sorted according to the state's voter turnout (column 1).

A glance at the table shows that almost all of the battleground states (in bold) were in the top of the table.

1.5.4. 2008 election

In this section, we will see that turnout in 2008 in the 14 battleground states was 9% higher than in the 36 spectator states and the District of Columbia.

In 2008, 131,924,177 people turned out to vote, out of an estimated civilian voting-age population (ECVAP) of 210,476,000. That is, voter turnout was 62.7% nationally.

Virtually all (98%) of the general-election campaign events (293 of the 300 events) occurred in 14 closely divided battleground states. Each of these 14 battleground states received between seven and 62 events. There was a dramatic difference between the number of events in these 14 battleground states, compared to the number of events in the remaining states. The jurisdictions that received the remaining seven events (a mere 2% of the national total of 300 events) received only one or two events each. No other states received any events.[262]

Table 1.51 shows the voter turnout in the 14 battleground states in 2008. The table is sorted according to the number of general-election campaign events in column 2 (and, secondarily, according to turnout percentage shown in column 1).

The table shows that 48,462,271 people voted, out of a total estimated civilian voting-age population (ECVAP) of 72,985,000. That is, turnout was 66.4% in the 14 battleground states in 2008.

Table 1.51 Voter turnout in the 14 battleground states in 2008

Turnout percent	2008 events	State	CVAP	Voter Turnout
66%	62	Ohio	8,569,000	5,671,438
67%	46	Florida	12,643,000	8,514,809
65%	40	Pennsylvania	9,400,000	6,071,357
68%	23	Virginia	5,546,000	3,750,065
68%	21	Missouri	4,391,000	2,992,023
71%	20	Colorado	3,434,000	2,426,253
66%	15	North Carolina	6,586,000	4,338,197
73%	12	New Hampshire	988,000	719,403
58%	12	Nevada	1,665,000	970,019
69%	10	Michigan	7,334,000	5,039,080
60%	9	Indiana	4,643,000	2,805,986
72%	8	Wisconsin	4,190,000	2,996,869
45%	8	New Mexico	1,370,000	620,289
69%	7	Iowa	2,226,000	1,546,483
66.4%	**293**	**Total**	**72,985,000**	**48,462,271**

[261] U.S. Election Assistance Commission. *The 2012 Election Administration and Voting Survey.* September 2013. Page 29–30. https://www.eac.gov/sites/default/files/eac_assets/1/6/2012ElectionAdministrationandVoterSurvey.pdf

[262] The number of battleground states has been shrinking for decades. FairVote. 2005. *The Shrinking Battleground: The 2008 Presidential Election and Beyond.* Takoma Park, MD: The Center for Voting and Democracy. http://archive.fairvote.org/?page=1555

Table 1.52 shows voter turnout in the 36 spectator states and the District of Columbia in 2008. As can be seen, only the five jurisdictions at the top of this table received any campaign events, and the other 32 jurisdictions received no events at all.

The table shows that 83,461,906 people voted, out of a total estimated civilian voting-age population of 137,491,000. That is, turnout in the 36 spectator states and the District of Columbia in 2008 was 60.7%.

Table 1.52 Voter turnout in the 37 spectator states in 2008

Turnout percent	2008 events	State	ECVAP	Voter Turnout
77%	2	Minnesota	3,799,000	2,920,214
73%	2	Maine	1,025,000	744,456
57%	1	Tennessee	4,591,000	2,618,238
52%	1	D.C.	433,000	226,871
52%	1	West Virginia	1,418,000	736,622
69%		Vermont	482,000	333,839
68%		Oregon	2,711,000	1,845,251
68%		Alaska	485,000	328,957
67%		Maryland	3,957,000	2,661,905
67%		Montana	740,000	497,599
67%		Massachusetts	4,621,000	3,102,995
67%		New Jersey	5,851,000	3,910,220
67%		Washington	4,609,000	3,071,587
66%		Connecticut	2,480,000	1,644,845
66%		Delaware	632,000	415,696
65%		North Dakota	490,000	318,425
65%		South Dakota	598,000	387,355
64%		Wyoming	397,000	256,035
64%		Arkansas	2,083,000	1,341,795
64%		Nebraska	1,278,000	811,780
63%		Illinois	8,830,000	5,577,509
63%		Kansas	2,005,000	1,263,202
63%		Rhode Island	757,000	475,428
63%		Idaho	1,063,000	667,506
62%		California	22,224,000	13,798,557
61%		Louisiana	3,237,000	1,980,814
61%		Alabama	3,462,000	2,105,622
60%		Georgia	6,614,000	3,975,986
58%		New York	13,206,000	7,722,019
58%		South Carolina	3,303,000	1,930,359
58%		Kentucky	3,198,000	1,861,577
56%		Oklahoma	2,630,000	1,474,694
55%		Arizona	4,205,000	2,320,851
55%		Utah	1,759,000	960,299
53%		Texas	15,254,000	8,059,731
50%		Hawaii	919,000	456,009
31%		Mississippi	2,145,000	657,058
60.7%	**5**	**Total**	**137,491,000**	**83,461,906**

The ratio of 66.4% (the turnout in the 14 battleground states) to 60.7% (the turnout in the 36 spectator states and the District of Columbia) was 1.09.

That is, turnout in the 14 battleground states was 9% higher than in the 36 spectator states and the District of Columbia in 2008.

Table 1.53 shows each state's turnout data for the 2008 election.[263]

A glance at the table shows that the 14 battleground states (in bold) are concentrated at the top of the table. All but three of the 14 battleground states in 2008 had above-average turnout (that is, above 62.7%).

1.5.5. 1824 election

It is no mystery as to why voter turnout is higher in battleground states, compared to the rest of the country. The reason is the same today as it was in 1824.

The 1824 election was the first election in which presidential electors were chosen by the people in more than half of the states. Three-quarters of the 24 states conducted popular elections, while state legislatures appointed the electors in the remaining six.

Discussing voter turnout in 1824, historian Donald Ratcliffe wrote:

> "The overall level of turnout in the election was low.… **The reason was that in most states, the outcome in the [presidential election] was already fairly clear, and voting did not seem a priority. Only half a dozen states experienced a real popular contest**: in the Old Northwest (Ohio, Indiana, and Illinois), in New Jersey and Maryland, and in North Carolina. In these states, turnout in the presidential election rose to over **40 percent**, compared with less than **24 percent** in the ten other states[264] that held a popular election."[265] [Emphasis added]

The ratio of 40% to 24% is 1.67. That is, turnout in the six contested states was 67% higher than in the 10 spectator states in 1824.

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[263] U.S. Election Assistance Commission. 2008. *The 2008 Election Administration and Voting Survey*. November 2009. Pages 28–29. https://www.eac.gov/sites/default/files/eac_assets/1/28/2008%20Election%20Administration%20and%20Voting%20Survey%20EAVS%20Report.pdf

[264] Note that there was no popular vote for President in 1824 in six states (Delaware, Georgia, Louisiana, New York, South Carolina, and Vermont). Instead, the legislatures appointed the state's presidential electors. In fact, 1824 was the last election in which a substantial number of state legislatures appointed presidential electors. By 1828, only two state legislatures appointed their state's presidential electors (Delaware and South Carolina).

[265] Ratcliffe, Donald. 2015. *The One-Party Presidential Contest: Adams, Jackson, and 1824's Five-Horse Race*. Lawrence, KS: University Press of Kansas. Page 21.

Table 1.53 Voter turnout in 2008

Turnout percent	2008 events	State	ECVAP	Voter Turnout
77%	2	Minnesota	3,799,000	2,920,214
73%	**12**	**New Hampshire**	**988,000**	**719,403**
73%	2	Maine	1,025,000	744,456
72%	**8**	**Wisconsin**	**4,190,000**	**2,996,869**
71%	**20**	**Colorado**	**3,434,000**	**2,426,253**
69%	**7**	**Iowa**	**2,226,000**	**1,546,483**
69%		Vermont	482,000	333,839
69%	10	Michigan	7,334,000	5,039,080
68%	21	Missouri	4,391,000	2,992,023
68%		Oregon	2,711,000	1,845,251
68%		Alaska	485,000	328,957
68%	23	Virginia	5,546,000	3,750,065
67%	46	Florida	12,643,000	8,514,809
67%		Maryland	3,957,000	2,661,905
67%		Montana	740,000	497,599
67%		Massachusetts	4,621,000	3,102,995
67%		New Jersey	5,851,000	3,910,220
67%		Washington	4,609,000	3,071,587
66%		Connecticut	2,480,000	1,644,845
66%	**62**	**Ohio**	**8,569,000**	**5,671,438**
66%	**15**	**North Carolina**	**6,586,000**	**4,338,197**
66%		Delaware	632,000	415,696
65%		North Dakota	490,000	318,425
65%		South Dakota	598,000	387,355
65%	40	Pennsylvania	9,400,000	6,071,357
64%		Wyoming	397,000	256,035
64%		Arkansas	2,083,000	1,341,795
64%		Nebraska	1,278,000	811,780
63%		Illinois	8,830,000	5,577,509
63%		Kansas	2,005,000	1,263,202
63%		Rhode Island	757,000	475,428
63%		Idaho	1,063,000	667,506
62%		California	22,224,000	13,798,557
61%		Louisiana	3,237,000	1,980,814
61%		Alabama	3,462,000	2,105,622
60%	9	Indiana	4,643,000	2,805,986
60%		Georgia	6,614,000	3,975,986
58%		New York	13,206,000	7,722,019
58%		South Carolina	3,303,000	1,930,359
58%	12	Nevada	1,665,000	970,019
58%		Kentucky	3,198,000	1,861,577
57%	1	Tennessee	4,591,000	2,618,238
56%		Oklahoma	2,630,000	1,474,694
55%		Arizona	4,205,000	2,320,851
55%		Utah	1,759,000	960,299
53%		Texas	15,254,000	8,059,731
52%	1	D.C.	433,000	226,871
52%	1	West Virginia	1,418,000	736,622
50%		Hawaii	919,000	456,009
45%	**8**	**New Mexico**	**1,370,000**	**620,289**
31%		Mississippi	2,145,000	657,058
62.7%	**300**	**Total**	**210,476,000**	**131,924,177**

1.5.6. Additional studies of voter turnout

Numerous other studies have noted the correlation between a state's battleground status and voter turnout.

A 2005 Brookings Institution report pointed out:

> "The electoral college can depress voter participation in much of the nation. Overall, the percentage of voters who participated in last fall's election was almost 5 percent higher than the turnout in 2000. Yet, most of the increase was limited to the battleground states. **Because the electoral college has effectively narrowed elections like the last one to a quadrennial contest for the votes of a relatively small number of states, people elsewhere are likely to feel that their votes don't matter.**"[266] [Emphasis added]

In 2012, *USA Today* reported the following about that year's election:

> "Swing-state voters are a bit more enthusiastic about voting this year than those living elsewhere, perhaps reflecting the attention they're given in TV ads and candidate visits. Nearly half of those in battleground states are extremely or very enthusiastic about voting for president this year."[267]

Other analysts of voter turnout employ slightly different definitions of the battleground states from ours, or use statistics other than the Civilian Voting Age Population (CVAP) data compiled by the U.S. Census Bureau.[268]

For example, the late Curtis Gans discussed the turnout in the 2012 election during a televised panel on November 9, 2012, at the Bipartisan Policy Center:

> "Because of the Electoral College, we limit the number of states where we have campaigns. In the … **10 battleground states, the turnout was 62.8%, In the rest, turnout was 54.8%**."[269] [Emphasis added]

The ratio of 62.8% to 54.8% is 1.15. Thus, using Gans' list of 10 battleground states, the turnout was 15% higher than in the rest of the country. Note that this is almost the same as the 16% difference in turnout that we computed using our list of 12 battleground states.

The Nonprofit Vote organization studied turnout for the six presidential elections between 2000 and 2020 and concluded:

> "Battleground states consistently show turnout advantages."[270]

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[266] Nivola, Pietro S. 2005. *Thinking About Political Polarization*. Washington, D.C.: The Brookings Institution. Policy Brief 139. January 2005.

[267] Page, Susan. 2012. Swing states poll: Amid barrage of ads, Obama has edge. *USA Today*. July 8, 2012.

[268] For example, the studies by the U.S. Elections Project overseen by Professor Michael P. McDonald of the University of Florida use the "voter-eligible population" (VEP) on their extensive web site at https://www.electproject.org/election-data/voter-turnout-data

[269] Bipartisan Policy Center Post-Election Analysis. C-SPAN. November 9, 2012. Timestamp 36.50. https://www.c-span.org/video/?309358-1/bipartisan-policy-center-post-election-analysis

[270] Nonprofit Vote. 2020. *America Goes to the Polls 2020: Policy and Voter Turnout in the 2020 Election*. Page 24. https://www.nonprofitvote.org/wp-content/uploads/2021/03/america-goes-polls-2020-7.pdf

1.6. THE CURRENT SYSTEM COULD RESULT IN THE U.S. HOUSE CHOOSING THE PRESIDENT ON A ONE-STATE-ONE-VOTE BASIS.

A presidential election can be thrown into Congress in two ways:

- There is a 269–269 tie in the Electoral College.
- A multi-candidate race in which no candidate receives an absolute majority of the electoral votes—a growing possibility given the ever-increasing number of independent voters.[271,272]

If no candidate for President receives an absolute majority of electoral votes (that is, 270 of 538), the choice of President is thrown into the U.S. House of Representatives—with each state having one vote.[273] This has happened twice—in 1800 and 1824.

Depending on the number of state delegations controlled by each party in the House, the candidate who loses the national popular vote could easily be selected to be President.

If no candidate for Vice President wins an absolute majority of the electoral votes, the Senate chooses the Vice President. This happened after the 1836 election (section 3.7.4).

As will be detailed later in this section, there have been many politically plausible combinations of states that could have yielded a 269–269 tie in each of the six presidential elections between 2000 and 2020. Moreover, there are some especially plausible political and geographic combinations of states that could yield a 269–269 tie in 2024.

As for multi-candidate races, a third-party or independent candidate has won electoral votes on eight occasions since the adoption in 1804 of the current voting procedure for the Electoral College (the 12th Amendment). However, out of those eight occasions (1968, 1948, 1912, 1860, 1856, 1836, 1832, and 1824), one candidate received an absolute majority of the electoral votes in every case except 1824.

Surprisingly, if a presidential election is thrown into the U.S. House, the presidency could easily go to the candidate who comes in *third* place in a multi-candidate presidential contest.

Consider the situation in 1992 when Ross Perot ran against incumbent President George H.W. Bush and Arkansas Governor Bill Clinton.

The *New York Times* reported that a nationwide poll taken on June 4–8, 1992, showed

- Ross Perot—39%
- George H.W. Bush—31%
- Bill Clinton—25% support.[274]

[271] Third Way. 2022. *The Dangerous Illusion of a Presidential Third Party in 2024*. December 8, 2022. https://www.thirdway.org/report/the-dangerous-illusion-of-a-presidential-third-party-in-2024

[272] Wegman, Jesse. 2023. The Real Danger in Robert F. Kennedy Jr.'s Independent Run. *New York Times*. October 14, 2023. https://www.nytimes.com/2023/10/14/opinion/the-real-danger-in-robert-f-kennedy-jrs-independent-run.html

[273] More precisely, an absolute majority of the "number of electors *appointed*" is required. There have been two elections in which some presidential electors were not appointed. During the Civil War, the 11 Confederate states did not appoint any presidential electors in 1864. Lincoln received an absolute majority of the "number of electors appointed" and was therefore re-elected. In the nation's first presidential election in 1789, the New York legislature could not agree on a method for choosing its presidential electors, and New York state therefore cast no votes in the Electoral College. See section 2.2 for additional details.

[274] On the Trail: Poll gives Perot a clear lead. *New York Times*. June 11, 1992. https://www.nytimes.com/1992/06/11/us/the-1992-campaign-on-the-trail-poll-gives-perot-a-clear-lead.html The same article reported that,

Minnesota Secretary of State Steve Simon described the political situation in 1992 in his testimony before a committee of his state legislature in 2023 in favor of the National Popular Vote Compact.

> "My personal story … is relevant to this legislation. In 1992, I deferred school for a year, and I moved to Little Rock, Arkansas, to join the Bill Clinton for President campaign.… Bill Clinton had sewn up the nomination when I arrived in the first week in June, but he wasn't formally the nominee yet.

> "And I remember the week that I arrived in Little Rock, Arkansas, a national poll came out. It showed that the first-place person in the poll was billionaire independent candidate Ross Perot. Remember him? The second-place candidate, at that time, in the first week of June in 1992, was the incumbent President George H.W. Bush. And third-place was the candidate I was supporting, Governor of Arkansas Bill Clinton."

> "I remember hanging out during that first week or thereabouts, in a restaurant that was kind of a hangout among campaign workers in downtown Little Rock, called Your Mama's Restaurant.… And we were hanging out there, and the subject of the poll came up."

> "There were several of my colleagues on the campaign who thought nothing of the poll. In fact, they said it doesn't matter. It doesn't matter at all, because **in a three-way race, even if our guy Bill Clinton is in third place, we can still win**."

> "As all of you know from your civics lessons, if no one gets to 270, what happens, it goes to the U.S. House. And at that time, the U.S. House was firmly in control of the Democratic Party.

> "So, their view was, 'Who cares if Bill Clinton is in third place?' And I myself—and not just me, but many others—were appalled, absolutely appalled by that attitude. I signed up to help get this guy elected President, but that's no way to win. The winner of the presidency of the United States should always be the person who most Americans have chosen as President of the United States. Regardless of party, regardless of circumstance."[275] [Emphasis added]

If the presidential election had been held at the time of the June 1992 poll, Perot, Bush, and Clinton would each have carried numerous states, and thus each would have won a significant number of electoral votes.

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in a previous Gallup poll in late May, Bush and Perot were tied at 35 percent each, with Clinton at 25 percent.

[275] Testimony of Minnesota Secretary of State Steve Simon before the Minnesota Senate Election Committee. January 31, 2023. Timestamp 6:06. https://www.youtube.com/watch?v=ZioPI__L-BM

If no candidate had received 270 electoral votes, the presidential election would have been thrown into the House. At that time, the Democrats controlled an absolute majority of the state delegations, and they would have chosen Bill Clinton—the third-place candidate in terms of the national popular vote.

Having said that, Perot's eight percentage-point nationwide lead over Bush was substantial. It could well have given him an absolute majority of the electoral votes, as suggested by the following facts:

- In 1988, George H.W. Bush's eight percentage-point nationwide lead over Dukakis gave Bush a 426—112 lead in the Electoral College.
- In 1980, Reagan's 9.7% nationwide lead over Carter gave Reagan a 489–49 lead in the Electoral College.
- In 2008, Obama's 7.2% nationwide lead over McCain game Obama a 365–173 lead in the Electoral College.

Moreover, Perot's 39% share of the national popular vote was equal to Lincoln's in 1860, and Lincoln won an absolute majority of the Electoral College in a race in which four different presidential candidates won electoral votes.[276,277]

It is a common misconception that the current Electoral College inherently discriminates against minor-party candidacies and independent candidacies.

This misconception has arisen because most minor-party and independent candidates have historically won an insignificant percentage of the popular vote, and hence won no electoral votes. However, in a multi-candidate race, there is no reason why a minor-party or independent candidate cannot win an absolute majority of the electoral votes—provided the candidate is popular.

1.6.1. Procedure for conducting a contingent election in Congress for President and Vice President

If no candidate wins an absolute majority of the electoral votes, the election in Congress of the President and Vice President would unfold after Election Day.

The Electoral College would meet in mid-December.

The new House and new members of the Senate would be sworn in on January 3.

The newly constituted House and Senate would then meet in a joint session of Congress on January 6 to count the electoral votes.

If no presidential candidate receives the required majority in the counting of electoral votes on January 6, there is a so-called "contingent election" for President in the House.

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[276] Holt, Michael F. 2017. *The Election of 1860: A Campaign Fraught with Consequences*. Lawrence, KS: University Press of Kansas.

[277] In 1856, John Fremont received 33% of the popular vote to Buchanan's 45% and managed to win a very respectable 114 electoral votes, compared to Democrat James Buchanan's 174. Bicknell, John. 2017. *Lincoln's Pathfinder: John C. Fremont and the Violent Election of 1856*. Chicago, IL: Chicago Review Press.

- When the House chooses the President, each state has one vote—regardless of its population.
- The House's choice is limited to the three presidential candidates who received the most electoral votes in the Electoral College.[278,279]
- The District of Columbia has no vote in the House and therefore has no voice in this process.
- An absolute majority of the states (26 of 50) is required to elect a President, regardless of how many states vote.

Many other aspects of a contingent election in the House are not clear.

Each state's House delegation meets separately to decide how the state's vote will be cast. There is no current law that settles the politically important question about how a state delegation decides how to allocate its one vote.

One question is whether a plurality, absolute majority, or super-majority of a state's congressional delegation is required in order to cast the state's vote.[280,281] Under the rules adopted for use in 1800 and 1824, an absolute majority of the state's delegation was required. That is, a state loses its vote in the process if no presidential candidate can muster an absolute majority of a state's delegation—either because of a tie in a state delegation with an even number of members or because of a three-way division of sentiment within the delegation. However, there is no constitutional requirement that the rules used in 1800 and 1824 be used in the future.

The Constitution makes clear that 26 votes (out of 50) on the House floor are required, regardless of how many delegations may be deadlocked.

In a closely divided House, it is entirely possible for one political party to control a majority of the 435 House members, but another party to control a majority of the House delegations. Indeed, that was precisely the situation on January 6, 2021, when the Democrats controlled the House chamber, but the Republicans had a majority of the delegations. The rules governing the House election could thus be under the control of one political party, while a majority of the 50 House delegations could be controlled by the other party.

The House took 36 ballots before choosing Thomas Jefferson after the 1800 election, and it elected John Quincy Adams in one ballot after the 1824 election.

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[278] Under the original Constitution, the House was allowed to choose from among the top five candidates. The 12th Amendment (ratified in 1804) limited the House's choice to the top three candidates. Because Clay came in fourth place in terms of electoral votes in 1824, this seemingly minor change prevented Clay (Speaker of the House at the time) from being considered by the House.

[279] In most recent presidential elections, no minor-party or independent candidate has received any electoral votes. In 1968, segregationist Alabama Governor George Wallace carried five southern states (with 45 electoral votes) and received one additional electoral vote from a faithless Republican presidential elector from North Carolina.

[280] Tremitiere, Beau and Woodward, Aisha. 2023. Danger in Plain Sight: The Risk of Triggering a Contingent Election in 2024. *Lawfare*. October 30, 2023. https://www.lawfaremedia.org/article/danger-in-plain-sight-the-risk-of-triggering-a-contingent-election-in-2024

[281] United to Protect Democracy. 2023. *The Risk of Triggering a Contingent Election: Hidden Dangers in the 2024 Race for the White House*. September 2023. https://unitedtoprotectdemocracy.org/contingentelection.pdf

When the U.S. Senate chooses the Vice President, the Constitution limits the Senate's choice to the two vice-presidential candidates with the most electoral votes. The only time that the Senate has selected a Vice President was after the 1836 election (section 3.7.4).[282]

Moreover, the Constitution is not clear whether the sitting Vice President is entitled to vote in the contingent election in the Senate. An outgoing Vice President was a candidate for President or re-election as Vice President on January 6 in 2021, 2001, 1989, 1969, 1961, and numerous other years. Indeed, this will again be the case in 2025 if Vice President Harris is herself a candidate for re-election.

If the House is deadlocked in a choice for President, the Vice President chosen by the Senate becomes the acting President. The acting President's time in office would last until the time, if any, when the deadlock in the House is resolved. To put it another way, the acting President could be abruptly removed at any time if the House ever resolves its deadlock.[283] That is, the acting President's continuance in office for the entire four-year period would depend on an exceedingly small number of strategically placed House members in a very small number of delegations.

Turning our attention back to the Senate, a contingent election in the Senate might be subject to a filibuster—thereby creating the possibility that one political party might find it advantageous to prevent the election of a Vice President.

The 20th Amendment (ratified in 1933) empowers Congress to pass legislation dealing with the possibility that one of the top three candidates has died or become disabled.

> "If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified."

However, Congress has never passed legislation to implement this section of the 20th Amendment.[284]

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[282] As for a tie in the Senate, Article I, section 3, clause 4 of the Constitution provides: "The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided." If the Senate is tied, this provision apparently applies, although some have argued that the sitting Vice President does not have tie-breaking power in this situation. Of course, the sitting Vice President is himself frequently a candidate for President or re-election as Vice President.

[283] Kosar, Kevin R. 2023. The horrific nightmare scenario where Congress picks our next president. *The Hill*. October 10, 2012. https://thehill.com/opinion/white-house/4245591-the-horrific-nightmare-scenario-where -congress-picks-our-next-president/

[284] Kosar, Kevin. 2023. The Electoral Count Act is fixed: Presidential transition remains in jeopardy. *The Hill*. January 10, 2023. https://thehill.com/opinion/white-house/3806788-the-electoral-count-act-is-fixed-presiden tial-transition-remains-in-jeopardy/

1.6.2. Opportunities for mischief in a House presidential election

In 2023 and early 2024, the No Labels organization was considering running a bipartisan slate that conceivably could throw the presidential election into the U.S. House.[285,286]

As NBC News reported in December 2023, if a presidential election were thrown into the House, there would be unprecedented opportunities for political mischief.

> "No Labels, the organization attempting to assemble a third-party presidential unity ticket, is openly floating the prospect of a 'coalition government' forming after the 2024 election if no candidate reaches the 270 Electoral College votes necessary to win the White House.

> "Officials with the group are mapping out an unlikely and largely unprecedented scenario where they could be in a position to **cut deals on policy, Cabinet posts or even the vice presidency** if their still-unformed ticket manages to win electoral votes and blocks a major-party nominee from winning the presidency outright."

> "Former Republican U.S. Rep. Tom Davis, a co-founder of No Labels, expanded on the group's view of this potential scenario in an interview with NBC News on Thursday, suggesting the No Labels ticket could 'cut a deal' with one of the major parties' tickets.

> "It could be Cabinet posts. **It could be a policy concession.** That's the kind of thing it could be," Davis said, adding the vice-presidential position could also be part of the discussions."

> "It could be, for example: 'We're going to build a border wall [and] not run deficits. Any number of things,' Davis said."

> "He noted, as an example, that a state with one House member could 'hold out' on its initial support of a ticket.

> "[They could] say, 'Well, I'm not going to—I'm not going to be the 26th state on this unless you make certain concessions,' or 'I'm going to need a Cabinet [post]. **I'm going to need a judgeship**.'"[287] [Emphasis added]

It is, of course, not just the House members from the seven states with one House member who could engage in the behind-the-scenes post-election deal-making that No Labels describes. At any given time, there is usually a tie or only a one-vote majority in many of the other 43 House delegations.

[285] Third Way. 2023. The No Labels Party's Radical New Plan to Force a Contingent Election. October 24, 2023. https://www.thirdway.org/memo/the-no-labels-partys-radical-new-plan-to-force-a-contingent-election

[286] Jones, Doug. 2023. Who in their right mind wants the House to pick our next president? *CNN*. October 27, 2023. https://www.cnn.com/2023/10/27/opinions/house-speaker-trump-biden-2024-presidency-jones/index.html

[287] Hillyard, Vaughn and Gallo, Dan. 2023. No Labels floats the possibility of a coalition government or Congress selecting the president in 2024. *NBC News*. December 21, 2023. https://www.nbcnews.com/politics/2024-election/no-labels-coalition-government-electoral-college-rcna130709

1.6.3. Review of recent elections

We now review some of the numerous politically plausible combinations of states that could have resulted in Congress picking the President and Vice President in recent elections.

2020 election

On Election Day in 2020, 306 Democratic and 232 Republican presidential electors were elected.

That is, Biden had 36 electoral votes more than the 270 required for election.

Biden won 37 electoral votes, because he carried three decisive states by small popular-vote margins.

- Arizona (11 electoral votes) by 10,457 popular votes,
- Georgia (16 electoral votes) by 11,779 popular votes, and
- Wisconsin (10 electoral votes) by 20,682 popular votes.

As *Politico* noted:

> "In 2020, the presidential election was closer to finishing in an Electoral College tie than is widely recognized. **Had Trump won Arizona, Georgia and Wisconsin—the sites of Biden's three narrowest wins—both candidates would have ended up with exactly 269 electoral votes**. That's one vote short of an Electoral College majority, which would have thrown the race to the House of Representatives to decide."[288] [Emphasis added]

On January 6, 2021, the Democratic Party had a majority of the 435 House members (and hence control of the chamber). However, the Republican Party had a majority of the state delegations and was thus in a position to pick Trump as President.[289]

2016 election

On Election Day in 2016, 306 Republican and 232 Democratic presidential electors were elected (coincidentally the same numbers as 2020).

This 36-vote margin was the result of Trump's carrying two decisive states by small popular-vote margins.

- Michigan (16 electoral votes) by 10,704 popular votes, and
- Pennsylvania (20 electoral votes) by 44,292 popular votes.

If Trump had not won these two states, there would have been only 270 Republican presidential electors—the exact number required for election.

Two weeks before the Electoral College meeting scheduled for December 19, 2016, one of the Republican presidential electors who had been elected from Texas on Election Day (Christopher Suprun) wrote an op-ed in the *New York Times* saying that he would not vote for Trump.

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[288] Mahtesian, Charlie. 2023. Joe Biden's mission to Maine. *Politico*. July 27, 2023. https://www.politico.com/newsletters/politico-nightly/2023/07/27/joe-bidens-mission-to-maine-00108653

[289] One interesting, but unresolved, question is whether the party with a majority of the House could prevent the convening of the joint session of Congress for counting the electoral votes on January 6.

"Alexander Hamilton … [in] … *Federalist* 68 argued that an Electoral College should determine if candidates are qualified, not engaged in demagogy, and independent from foreign influence. Mr. Trump shows us again and again that he does not meet these standards."[290]

When the Electoral College actually met on December 19, Suprun voted for Republican Ohio Governor John Kasich.

In addition, a second Texas Republican elector (Bill Greene) voted for former Texas Republican Congressman Ron Paul (section 3.7.6).

2012 election

In 2012, Dan Amira described "16 Plausible Ways the Electoral College Could Tie."

"Take a look at one of the most horrible flaws of the Electoral College system: You can have a tie. It happened before, in 1800, and it can happen again. **There's nothing particularly special about 2012—a tie is a possibility in every presidential election.** But just imagine the chaos if it actually happened. How would America react if the next president is selected by the House of Representatives, and the vice-president by the Senate."[291] [Emphasis added]

In a similar vein, Nate Silver wrote an article for *FiveThirtyEight* in 2012 entitled "New Polls Raise Chance of Electoral College Tie."[292]

Sean Trende described another tie scenario in *RealClearPolitics*.[293]

Meanwhile, CNN reported:

"The likelihood that President Barack Obama and Mitt Romney will each net 269 electoral votes in November, instead of the 270 needed to win, is actually not so farfetched—and for close observers of the Electoral College system, a tie would set off a wave of constitutional and political mayhem that would make the 2000 Florida recount seem like a tidy affair."

"'What it would reveal is that we have, in some sense, a profoundly undemocratic mechanism for dealing with a tie,' said Alex Keyssar, a professor of history and social policy at Harvard University."[294]

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[290] Suprun, Christopher. 2016. Op-Ed: Why I Will Not Cast My Electoral Vote for Donald Trump. *New York Times*. December 5, 2016. https://www.nytimes.com/2016/12/05/opinion/why-i-will-not-cast-my-electoral-vote-for-donald-trump.html?_r=0

[291] Amira, Dan. 2010. 16 Plausible ways the electoral college could tie in 2012. *New York*. December 23, 2010. https://nymag.com/intelligencer//2010/12/electoral_college_tie.html

[292] Silver, Nate. 2012. New Polls Raise Chance of Electoral College Tie. *New York Times*. October 1, 2012. https://archive.nytimes.com/fivethirtyeight.blogs.nytimes.com/2012/10/01/new-polls-raise-chance-of-electoral-college-tie/

[293] Trende, Sean. 2012. Mitt Romney's One-Vote Edge? *RealClearPolitics*. August 30, 2012. http://www.realclearpolitics.com/articles/2012/08/30/mitt_romneys_one_vote_edge_115269.html

[294] Hamby, Peter. 2012. Electoral College tie possible in Obama-Romney race. *CNN*. July 30, 2012. https://www.cnn.com/2012/07/26/politics/electoral-college-tie/

2008 election

The *Cook Political Report*'s Electoral Vote Scorecard of April 3, 2008, rated:

- 78 electoral votes in seven states as "toss ups"
- 238 electoral votes as "solid," "likely," or "lean" Democratic
- 222 electoral votes in states with corresponding Republican ratings.[295]

A 269–269 tie in the Electoral College would have occurred in 2008 if the Democratic nominee had won 31 electoral votes from the "toss up" states.

The possible combinations of closely divided states that could have produced this outcome included, but were not limited to:

- Florida (27 electoral votes) and New Hampshire (4)
- Iowa (7), New Hampshire (4), and Ohio (20)
- Iowa (7), Nevada (5), New Hampshire (4), New Mexico (5), Wisconsin (10).

2004 election

In 2004, Bush received 286 votes in the Electoral College—16 more than required for election.

The *Cook Political Report*'s Electoral Vote Scorecard of September 10, 2004, listed:

- 109 electoral votes in nine states as "toss ups,"
- 207 electoral votes with ratings of "solid," "likely," or "lean" Democratic, and
- 222 electoral votes in states with corresponding Republican ratings.[296]

A 269–269 tie in the Electoral College would have occurred in 2004 if the Democratic nominee (John Kerry) had won 62 electoral votes from the "toss up" category. There were many possible combinations of the nine toss-up states that could have produced a 269–269 tie in the Electoral College, including, but not limited to:

- Iowa (7), Ohio (20), Pennsylvania (21), Minnesota (10), and New Hampshire (4);
- Florida (27), Minnesota (10), Ohio (20), and New Mexico (5);
- Iowa (7), Minnesota (10), Nevada (5), New Hampshire (4), New Mexico (5), Pennsylvania (21), and Wisconsin (10).

2000 election

In 2000, Bush received 271 votes in the Electoral College—one more than required for election.

There would have been a 269–269 tie in the Electoral College in 2000 if Bush had won Wisconsin's 11 electoral votes (which he lost by 0.2%), while also

- losing West Virginia's five electoral votes (which he unexpectedly won by 6.3%) and
- losing either New Hampshire's four electoral votes (which he won by 1.3%) or Nevada's four electoral votes (which he won by 3.5%).

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[295] Electoral College Scorecard. 2008, *Cook Political Report.* April 3, 2008.

[296] Electoral College Scorecard. 2004, *Cook Political Report.* September 10, 2004.

1.6.4. Prospects for a contingent election in 2024

There are numerous politically and geographically plausible combinations of states that could yield a 269–269 tie in the Electoral College in 2024.

Recall that table 1.20 showed the probable 2024 Electoral College starting line-up (as of May 2024):

- 218 likely Republican electoral votes from 24 states,
- 211 likely Democratic electoral votes from 17 states and the District of Columbia, and
- 109 electoral votes from nine likely battleground states and two likely battleground congressional districts (one each in Maine and Nebraska).

The northern-sunbelt combination

There is an unusually coherent and plausible geographic and demographic combination of states that could produce a 269–269 tie in the Electoral College in 2024 (as shown in figure 1.22).

- **Five northern states:** If the Democrats win Minnesota (10 electoral votes), Wisconsin (10), Michigan (15), Pennsylvania (19), and New Hampshire (4), their nominee's electoral-vote count would increase from the number in table 1.20 by 58—that is, from 211 to 269.
- **Four sunbelt states and two rural congressional districts:** If the Republicans win North Carolina (16), Georgia (16), Arizona (11), Nevada (6), Nebraska's 2nd congressional district, and Maine's 2nd congressional district, their nominee's electoral vote count would increase from the number in table 1.20 by 51—that is, from 218 to 269.

During the spring of 2024, Nebraska's Republican Governor Jim Pillen and former President Donald Trump attempted to get the Nebraska state legislature to repeal the state's congressional-district method of awarding electoral votes and replace it with a winner-take-all law.

If Nebraska were to adopt the winner-take-all method of awarding its five electoral votes, all five of its votes would assuredly go to the Republican nominee—potentially producing a 270–268 win in the Electoral College for the Republicans.

About two-thirds of the members of the Nebraska legislature (although nominally nonpartisan) are Republicans.

Nonetheless, the legislature voted against the winner-take-all bill and adjourned.[297,298]

After adjournment, Governor Pillen suggested he might call the legislature into a special session in an effort to make the change prior to the November 2024 election.

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[297] Hughes, Paul. 2024. Dover not sure if votes are there for electoral college winner-take-all method. *WJAG Radio*. May 1, 2024. https://www.norfolkneradio.com/news/dover-not-sure-if-votes-are-there-for-electoral-college-winner-take-all-method/article_35af7872-071a-11ef-bac6-ffd922f44ab3.html

[298] Astor, Maggie. 2024. Nebraska Lawmakers Block Trump-Backed Changes to Electoral System. *New York Times*. April 4, 2024. https://www.nytimes.com/2024/04/04/us/politics/nebraska-winner-take-all-trump.html?smid=url-share
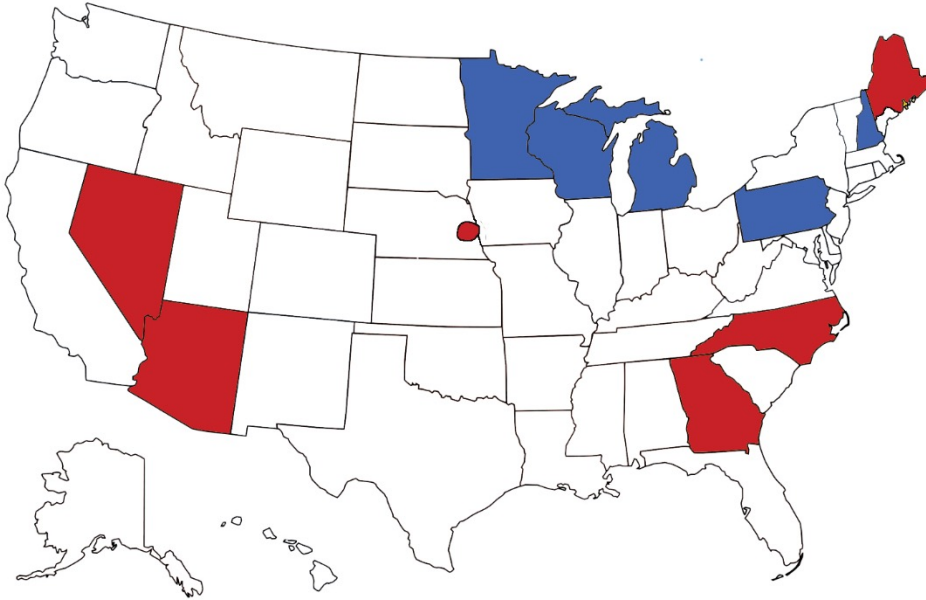
Figure 1.22 Combination of battleground states and congressional districts that could yield a 269–269 tie in the Electoral College

As *Politico* reported, the Nebraska Governor's suggestion was quickly countered:

> "The [Maine] state House majority leader, Maureen Terry, said in a statement on Friday that the Democratic-controlled Legislature would 'be compelled to act in order to restore fairness,' should Nebraska's Republican governor sign legislation that made the state a winner-take-all election in 2024."[299]

Under section 5 of the Electoral Count Reform Act of 2022, a state must choose its presidential electors:

> "under and in pursuance of the laws of such State providing for such appointment and ascertainment **enacted prior to election day**."[300] [Emphasis added]

Thus, it is possible for either or both states to change their method of awarding electoral votes *before* Election Day.

Three additional plausible combinations from *Sabato's Crystal Ball*

In March 2023, Kyle Kondik and J. Miles Coleman presented three additional combinations of states that could produce a 269–269 tie in the Electoral College in 2024.[301]

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[299] Stein, Sam. 2024. Maine Dems say they'll consider cutting off Trump's path, if Nebraska moves to hurt Biden. *Politico*. April 26, 2024. https://www.politico.com/news/2024/04/26/maine-nebraska-electoral-votes-trump-00154645

[300] The Electoral Count Reform Act of 2022 may be found in appendix B of this book.

[301] Kondik, Kyle and Coleman, J. Miles. 2023. Notes on the State of Politics. *Sabato's Crystal Ball*. March 1, 2023. https://centerforpolitics.org/crystalball/articles/notes-on-the-state-of-politics-march-1-2023/

All three Kondik–Coleman scenarios assume the same starting point as table 1.20, namely:

- 218 likely Republican electoral votes from 24 states, and
- 211 likely Democratic electoral votes from 17 states and the District of Columbia.

All three Kondik–Coleman scenarios also assume the Republican presidential nominee will win Maine's 2nd congressional district and that the Democratic nominee will win Nebraska's 2nd district.

Thus, all three Kondik–Coleman scenarios start with:

- 219 likely Republican electoral votes from 24 states and Maine's 2nd district,
- 212 likely Democratic electoral votes from 17 states, the District of Columbia, and Nebraska's 2nd district, and
- 107 electoral votes from nine likely battleground states and two battleground congressional districts (one each in Maine and Nebraska).

In the first Kondik–Coleman scenario, the Republican nominee wins Nevada and the three states that put Trump over the top in 2016 (namely Pennsylvania, Michigan, and Wisconsin)—for a total of 269 electoral votes. Meanwhile, the Democratic nominee wins Arizona, Georgia, Minnesota, New Hampshire, and North Carolina—for a total of 269 electoral votes.

In the second Kondik–Coleman scenario, the Republican nominee wins Michigan, North Carolina, and Pennsylvania. Meanwhile, the Democratic nominee wins Arizona, Georgia, Minnesota, Nevada, New Hampshire, and Wisconsin.

The third Kondik–Coleman scenario is identical to the second, except that the Republican nominee wins Georgia (16 electoral votes), while the Democratic nominee wins North Carolina (16).

Likely composition of House delegations in 2025

If there is a 269–269 tie in the Electoral College, the House of Representatives elected on November 5, 2024 (and seated on January 3, 2025) would pick the President immediately after the counting of the electoral votes on January 6, 2025.

Although we do not know how many House delegations each party will control after the November 2024 elections, the partisan division of the delegations as of May 2024 shown in table 1.54 strongly suggests that the Republican Party is likely to control a majority of them (regardless of which party controls the House chamber).

As can be seen, the Republican Party controls a bare majority of the delegations (26 of 50) in the 2023–2024 House; the Democrats control 22 delegations; and two delegations (Minnesota and North Carolina) are tied.

There are eight states with an odd number of House members where a change of one seat in November 2024 would flip the partisan control of the state's delegation. Of course, the single seats in North Dakota, South Dakota, and Wyoming are likely to remain in Republican hands, and the single seats in Delaware and Vermont are likely to remain in Democratic hands. On the other hand, the Democrats have a one-seat edge in three states (Alaska, Michigan, and Pennsylvania) that seem very susceptible to change.

Table 1.54 Partisan make-up of House delegations as of May 2024

	Democratic delegations	Republican delegations	Tied delegations
Alaska	1		
Alabama		1	
Arkansas		1	
Arizona		1	
California	1		
Colorado	1		
Connecticut	1		
Delaware	1		
Florida		1	
Georgia		1	
Hawaii	1		
Iowa		1	
Idaho		1	
Illinois	1		
Indiana		1	
Kansas		1	
Kentucky		1	
Louisiana		1	
Massachusetts	1		
Maryland	1		
Maine	1		1
Michigan	1		
Minnesota			1
Missouri		1	
Mississippi		1	
Montana		1	
North Carolina			1
North Dakota		1	
Nebraska		1	
New Hampshire	1		
New Jersey	1		
New Mexico	1		
Nevada	1		
New York	1		
Ohio		1	
Oklahoma		1	
Oregon	1		
Pennsylvania	1		
Rhode Island	1		
South Carolina		1	
South Dakota		1	
Tennessee		1	
Texas		1	
Utah		1	
Virginia	1		
Vermont	1		
Washington	1		
Wisconsin		1	
West Virginia		1	
Wyoming		1	
Total	**22**	**26**	**2**

There are also 12 states with an even number of House members where a change of one seat in November 2024 could create a tie in the state's delegation. The Republican edges in the House delegations of Idaho, Kansas, Mississippi, and West Virginia seem secure. Similarly, the Democratic edges in Colorado, Hawaii, and Oregon appear equally secure. The Democratic edges in four states (Maine, New Hampshire, Nevada, and Rhode Island) are susceptible to change. In contrast, Montana is the only state among these 12 states where the Republican edge might possibly be endangered. The Republican incumbent in the 1st congressional district (Ryan Zinke) won by only three percentage points in November 2022, and the election of a Democrat in 2024 would create a tie in the state's two-member delegation.

In summary, there are seven states where the loss of one Democratic seat could change the partisan balance of the state's delegation in the House, but only one such Republican state. This suggests that the Republicans are likely to retain the ability to pick the President if the election ends up in the House after the November 2024 election (regardless of which party has an overall majority in the House).

A March 2023 article in *Sabato's Crystal Ball* by Kyle Kondik predicted that the Republicans will likely continue to control a majority of state delegations in the House in 2025.

> "If there is a tie, Republicans continue to have an advantage in the House tie-breaking procedure, and they are very likely to retain it following the 2024 election, regardless of which party wins the overall House majority."[302]

There are still other uncertainties surrounding a contingent election in the House.

It is entirely possible that one party could possess a majority in the House, but the other party could have a majority of the state delegations.

1.7. UNDER THE CURRENT SYSTEM, AN INDIVIDUAL'S VOTE FOR PRESIDENT IS NOT COUNTED AS A VOTE FOR THE PRESIDENTIAL CANDIDATE PREFERRED BY THAT VOTER.

In virtually every election in the United States—except for President—every voter's vote is added directly to the count of the candidate favored by that voter. Then, the winner of the election is the candidate favored by most voters in the entire jurisdiction served by the office.

However, under the current system of electing the President, an individual's vote is counted as a vote for a "presidential elector"—an intermediary whose identity is generally unknown to the voter.

Only if a voter's vote for President agrees with the choice made by a plurality of *other* voters in the state does that voter's vote benefit that voter's choice for President.

Under the current system, an individual's vote for President is cancelled if it disagrees with the choice made by a plurality of *other* voters in the state. That is, the individual voter's choice is zeroed out below the level of the entire jurisdiction served by the office.

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[302] Kondik, Kyle. 2023. Republicans Retain Edge in Electoral College Tie. *Sabato's Crystal Ball*. March 1, 2023. https://centerforpolitics.org/crystalball/articles/republicans-retain-edge-in-electoral-college-tie/

The current system creates an artificial unanimity at the state level, even though the state's voters are not unanimous.

In each of the first six presidential elections of the 2000s, the votes cast by about 45% of the nation's voters were taken away from the presidential candidate for whom the voter voted and credited to the candidate who received the most votes in the state.

1.7.1. 2020 election

For example, consider North Carolina in 2020:

- Trump received 2,758,775 (50.1%)
- Biden received 2,684,292 popular votes (48.7%)
- various other candidates received 68,422 (1.2%).

Because Trump received the most popular votes in the state, all 15 presidential electors from North Carolina were Trump supporters. That is, the winner-take-all rule zeroed out the choice of 2,684,292 Biden voters as well as 68,422 supporters of other candidates.[303]

On a nationwide basis in 2020, the winner-take-all rule resulted in 68,942,639 voters being zeroed out at the state level—44% out of the nation's 158,224,999 voters.

In the six presidential elections between 2000 and 2020, an average of 45% of the nation's voters were similarly zeroed out at the state level. They never contributed to the national count of the candidate whom those voters supported. Specifically, the percentages were:

- 44% in 2020
- 46% in 2016
- 44% in 2012
- 44% in 2008
- 45% in 2004
- 46% in 2000

In short, the votes of every voter who did not vote for the statewide plurality winner were counted, but then immediately discarded.

Under the National Popular Vote Compact, every individual's vote for President will be counted as a vote for the presidential candidate preferred by that voter.

Missouri Senator Thomas Hart Benton described the current winner-take-all method of awarding electoral votes as follows in 1824:

> "The general ticket system, now existing in 10 States was the offspring of policy, and not of any disposition to give fair play to the will of the people. It was adopted by the leading men of those States, to enable them to consolidate the vote of the State.…**The rights of minorities are violated** because a majority of one will carry the vote of the whole State.… **This is … a case … of votes taken away, added to those of the majority, and given to a person to whom the minority is opposed**."[304] [Emphasis added]

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[303] Similar zeroing out occurs at the congressional-district level in Maine's two districts and Nebraska's three districts, as explained in section 2.15.6.

[304] 41 *Annals of Congress* 169. February 3, 1824. https://memory.loc.gov/cgi-bin/ampage?collId=llac&fileName=041/llac041.db&recNum=2

Table 1.55 shows the number of voters in 2020 who had their vote zeroed out at the state level.

- Columns 2, 3, and 4 show, by state, the number of votes for Donald Trump (R), Joe Biden (D), and all other candidates, respectively.
- Column 5 shows which party (R or D) received the most popular votes in each separate state.
- Column 6 contains entries for the 25 states in which the Republican nominee (Trump) won the most popular votes in alphabetical order. This column shows the number of votes cast for the Democratic nominee (Biden) and all other candidates that were not credited to those candidates because of the operation of the winner-take-all rule.
- Column 7 contains entries for the 26 jurisdictions (25 states and the District of Columbia) in which the Democratic nominee (Biden) won the most popular votes in alphabetical order. This column shows the number of votes cast for the Republican nominee (Trump) and all other candidates that were not credited to those candidates because of the operation of the winner-take-all rule.

As can be seen from the table for 2020, the state-by-state winner-take-all method of awarding electoral votes resulted in zeroing out a total of 29,191,404 voters at the state level who did not vote for the Republican nominee (Trump) and similarly zeroing out a total of 39,751,235 votes at the state level who did not vote the Democratic nominee (Biden). Overall, a total of 68,942,639 voters (44% out of 158,224,999) were zeroed out at the state level in 2020.

1.7.2. 2016 election

The same pattern persisted in 2016 and earlier elections.

In 2016, the state-by-state winner-take-all method of awarding electoral votes resulted in zeroing out 36,695,603 votes at the state level who did not vote for the Republican nominee (Trump), and similarly zeroing out 26,218,563 votes at the state level who did not vote for the Democratic nominee (Clinton). Overall, a total of 62,914,166 voters (46% out of 137,125,484) were zeroed out at the state level in 2016.

1.7.3. 2012 election

In 2012, the state-by-state winner-take-all rule resulted in zeroing out 18,997,372 voters at the state level who did not vote for Republican nominee (Romney) and similarly zeroing out 37,369,571 votes at the state level who did not vote for the Democratic nominee (Obama). Overall, a total of 56,366,943 voters (44% out of 129,084,520) were zeroed out at the state level in 2012.

1.7.4. 2008 election

In 2008, the state-by-state winner-take-all method of awarding electoral votes resulted in zeroing out 16,618,777 voters at the state level who did vote for the Republican nominee (McCain) from voters who did not vote for him, and similarly zeroing out 40,409,644 voters who did not vote the Democratic nominee (Obama). Overall, a total of 57,028,421 voters (44% out of 131,461,581) were zeroed out at the state level in 2008.

Table 1.55 The votes of 68,942,639 voters (44% of 158,224,999) were zeroed out at the state level in 2020

State	Trump	Biden	Others	Party winning the state	Treated as if R	Treated as if D
Alabama	1,441,170	849,624	32,488	R	882,112	
Alaska	189,951	153,778	13,840	R	167,618	
Arkansas	760,647	423,932	34,490	R	458,422	
Florida	5,668,731	5,297,045	101,680	R	5,398,725	
Idaho	554,119	287,021	26,091	R	313,112	
Indiana	1,729,516	1,242,413	61,183	R	1,303,596	
Iowa	897,672	759,061	29,801	R	788,862	
Kansas	771,406	570,323	30,574	R	600,897	
Kentucky	1,326,646	772,474	37,608	R	810,082	
Louisiana	1,255,776	856,034	36,252	R	892,286	
Mississippi	756,764	539,398	17,597	R	556,995	
Missouri	1,718,736	1,253,014	54,212	R	1,307,226	
Montana	343,602	244,786	15,252	R	260,038	
Nebraska	556,846	374,583	20,283	R	394,866	
North Carolina	2,758,775	2,684,292	68,422	R	2,752,714	
North Dakota	235,595	114,902	11,322	R	126,224	
Ohio	3,154,834	2,679,165	88,203	R	2,767,368	
Oklahoma	1,020,280	503,890	36,529	R	540,419	
South Carolina	1,385,103	1,091,541	36,685	R	1,128,226	
South Dakota	261,043	150,471	11,095	R	161,566	
Tennessee	1,852,475	1,143,711	57,665	R	1,201,376	
Texas	5,890,347	5,259,126	165,583	R	5,424,709	
Utah	865,140	560,282	62,867	R	623,149	
West Virginia	545,382	235,984	13,365	R	249,349	
Wyoming	193,559	73,491	7,976	R	81,467	
Arizona	1,661,686	1,672,143	53,497	D		1,715,183
California	6,006,429	11,110,250	384,192	D		6,390,621
Colorado	1,364,607	1,804,352	88,021	D		1,452,628
Connecticut	714,717	1,080,831	28,309	D		743,026
D.C.	18,586	317,323	8,447	D		27,033
Delaware	200,327	295,933	7,421	D		207,748
Georgia	2,461,854	2,473,633	62,229	D		2,524,083
Hawaii	196,864	366,130	11,475	D		208,339
Illinois	2,446,891	3,471,915	114,632	D		2,561,523
Maine	360,737	435,072	23,565	D		384,302
Maryland	976,414	1,985,023	56,482	D		1,032,896
Massachusetts	1,167,202	2,382,202	65,671	D		1,232,873
Michigan	2,649,852	2,804,040	85,392	D		2,735,244
Minnesota	1,484,065	1,717,077	67,308	D		1,551,373
Nevada	669,890	703,486	17,921	D		687,811
New Hampshire	365,660	424,937	13,236	D		378,896
New Jersey	1,883,274	2,608,335	57,744	D		1,941,018
New Mexico	401,894	501,614	20,457	D		422,351
New York	3,244,798	5,230,985	115,574	D		3,360,372
Oregon	958,448	1,340,383	58,401	D		1,016,849
Pennsylvania	3,377,674	3,458,229	79,380	D		3,457,054
Rhode Island	199,922	307,486	10,349	D		210,271
Vermont	112,704	242,820	11,904	D		124,608
Virginia	1,962,430	2,413,568	64,761	D		2,027,191
Washington	1,584,651	2,369,612	106,116	D		1,690,767
Wisconsin	1,610,184	1,630,866	56,991	D		1,667,175
Total	**74,215,875**	**81,268,586**	**2,740,538**		**29,191,404**	**39,751,235**

1.7.5. 2004 election

In 2004, the state-by-state winner-take-all method of awarding electoral votes resulted in zeroing out of 27,073,384 voters at the state level who did not vote for the Republican nominee (George W. Bush), and similarly zeroing out 27,430,729 voters at the state level who did not vote for the Democratic nominee (Kerry).

Overall, a total of 54,504,113 voters (45% out of 122,303,536) were zeroed out at the state level in 2004.

1.7.6. 2000 election

In 2000, the state-by-state winner-take-all method of awarding electoral votes resulted in zeroing out a total of 23,361,173 voters at the state level who did not vote for the Republican nominee (George W. Bush), and similarly zeroing out 25,116,609 votes at the state level who did not vote for the Democratic nominee (Gore).

Overall, a total of 48,477,782 voters (46% out of 105,417,475) were zeroed out at the state level in 2000.

1.8. SUMMARY

In electing the President of the United States, the authors of this book believe that:

- The candidate who receives the most popular votes throughout the United States should win.
- Every voter in every state should be politically relevant in every election—that is, the electoral system should give presidential candidates a compelling reason to pay attention to voters in all 50 states and the District of Columbia.
- The system should not permit a few thousand votes in a few states to decide the presidency, thereby fueling post-election controversies and threatening the country's stability. The system should not enable extraordinarily small factors to decide the presidency.
- Every vote should be equal throughout the country.
- Civic participation should be encouraged.
- Congress should never choose the President.
- A voter's vote should count directly for the candidate supported by that voter.

This book presents a politically practical way by which to bring presidential elections into conformity with these principles, namely the National Popular Vote Interstate Compact.