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Mark A. Weiss   April 5, 2021

Multistate Agreements as Policymaking Tools: Evidence from Signatories to the National
Popular Vote Interstate Compact

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Abstract

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The National Popular Vote Interstate Compact (NPVC) is an agreement that binds states
to allocate their Electoral votes to the winner of the national popular vote, ensuring that
the two totals do not diverge. However, the NPVC is not legally binding until the Electoral
votes of its signatories total at least 270, raising two important questions: is the NPVC likely
to gain enough signatories to take effect, and if so, what factors are the best predictors of a
state's signing? Using a Cox proportional hazards survival model, I find that state population
density is the strongest predictor of joining the NPVC, which suggests that geography is the
primary motivator for state membership in the compact.

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Chapter 1

Introduction

1.1 What Happened?

On November 9th, 2016, American voters elected Donald J. Trump the 45th President of the United States. Exploiting the racial anxiety and economic woes of the post-Obama electorate (Abramowitz 2018), Trump defeated his rival Hillary Clinton and promised to restore American greatness, to "drain the swamp" of Washington corruption and return power to the masses. In his inaugural address, he told the nation that "January 20th, 2017, will be remembered as the day the people became the rulers of this nation again. The forgotten men and women of our country will be forgotten no longer...At the center of this movement is a crucial conviction: that a nation exists to serve its citizens" (Trump 2017).

The *New York Daily News* called it an "explosive overthrow" of the status quo (Edelman et al. 2016). Political commentators lamented the shocking and, for many, disheartening outcome. David Remnick of *The New Yorker* called it "nothing less than a tragedy for the American republic, a tragedy for the Constitution, and a triumph for the forces...of nativism, authoritarianism, misogyny, and racism" (Remnick 2016).

Populist rhetoric notwithstanding, Donald Trump entered the presidency as a deeply divisive and unpopular figure. Exit polls from the night of the election showed that 61%

of voters believed Trump to be unfit for office, a strong majority that spanned party identification (Huang et al. 2016). On Gallup's historical "scalometer" metric, a measure of presidential candidates' popularity prior to the election, Donald Trump scored lower than any candidate in polling history. At the time, five former presidents were alive, and none of them voted for Trump (Plumer 2016).

Presidents Jimmy Carter, George H.W. Bush, Bill Clinton, George W. Bush, and Barack Obama were not the only political elites opposed to the Trump presidency. Throughout the course of the 2016 campaign, several prominent Republican leaders distanced themselves from their party's nominee. South Carolina Senator Lindsey Graham once called Trump "the world's biggest jackass" and repeatedly warned that his nomination would permanently damage the Republican Party (Grow 2015). Senator Ted Cruz initially declined to endorse his former opponent, urging voters at the Republican National Convention to "vote your conscience" in the election (Everett, Glueck and Nussbaum 2016). After the release of the infamous *Access Hollywood* tape - leaked audio in which Donald Trump claims that his status allows him to grope women without their consent - several prominent Republicans suggested that he suspend his campaign. Then RNC chair Reince Priebus encouraged Trump to do so, citing the need to support Republican candidates running for other offices (Woodward 2018).

The night of the 2016 presidential election featured also featured an historic number of defects by members of the Electoral College. In an effort to prevent Trump from becoming president, some of the electors voted for off-ballot candidates in an attempt to block Trump from securing the 270 electoral votes required to win (Cheney 2016). From a legal standpoint, there is nothing improper about electors defecting (or at least attempting to defect) in this way - but the effort is noteworthy.

How did a candidate so deeply unpopular - with the American people, with Republican leadership, and with the very officials responsible for carrying out the election - win the presidency? Paradoxically, the answer to this question is also the strongest evidence of Trump's

unpopularity: *most people did not vote for him.* Donald Trump received nearly 3 million fewer votes than his opponent. But, as a result of the United States' electoral system, he still won by a rather comfortable margin, gathering 306 electoral votes to Clinton's 232 (Begley 2016).

Trump managed to secure the presidency, but his popularity improved little over the following four tumultuous years. Not once in his term did his public approval rating exceed 50% (*Trump's Presidency in Seven Metrics* 2020). An erratic, unpredictable political figure, his time in office was cloaked in scandal and plagued by perpetual legal scrutiny, which likely did not help his popularity. He was impeached by the House of Representatives in 2019 for abuse of power and obstruction of Congress (Fandos and Shear 2019) and again in 2021 for incitement of insurrection (Balz 2021). And as the 2020 election neared, pundits and academics speculated that the Electoral College might hand Trump another win regardless of the popular vote outcome (Erikson, Sigman and Yao 2020).

But Trump, the only president in United States history to be impeached twice, also became the first incumbent since President George H.W. Bush to lose his reelection campaign. And the margin was not close, either: his opponent, former Vice President Joseph R. Biden, won over 7,000,000 more votes nationally (Glueck 2020). Republicans failed to regain control of the House of Representatives and lost control of the Senate in an election characterized by record levels of voter turnout.

1.2 The Nature of the Problem

Donald Trump is not the first to be elected president despite losing the popular vote: John Quincy Adams, Rutherford B. Hayes, Benjamin Harrison, and George W. Bush also won because of an "electoral misfire," an occurrence in which the winner of the popular and Electoral votes diverge. There is also a growing body of evidence to suggest that he will not

be the last. In fact, several commentators argued that Trump's reelection strategy hinged on a victory in the Electoral College but a loss in the national popular vote.

Scholars and activists have taken notice, but previous nationalization efforts have stalled because of rules spelled out in the Constitution, which mandates that states conduct their own elections. One nationwide election for president, therefore, is unconstitutional. And amending the Constitution would require politically infeasible and cumbersome political processes that are almost certain to fail.

There is another way, however. The National Popular Vote Interstate Compact (henceforth NPVC) initiative seeks to use state-level elections to nationalize the United States' presidential election system. Under the NPVC's plan, each state conducts elections as they would under the Electoral College, and as the Constitution requires. But rather than casting Electoral votes for the winner of the *state's* total, each state would submit their tallies to form a national popular vote. Whichever candidate receives the most votes *nationally* would then receive the Electoral votes from all states that have agreed to the NPVC. The practical effect of the NPVC, then, is to transform the Electoral College in order to prevent electoral misfires from occurring.

Presently, sixteen states (including the District of Columbia) have signed the NPVC and have pledged to dedicate their Electoral votes to the candidate who receives more votes nationally. But legally, the agreement does not take effect until the Electoral votes of its members total 270, the number of Electoral votes a candidate must receive to be elected President of the United States. An important question thus arises: *does the NPVC have a chance of garnering enough members to go into effect?* And if not, *why do states sign on to the agreement?* These are the questions I seek to answer in this thesis.

The argument of this thesis is simple, and it begins with the observation that the NPVC is unlikely to obtain the number of signatories necessary for it to go into effect. And even if it did, it would be immediately litigated and potentially thrown out by the Supreme Court. Politicians in states that stand to benefit from the NPVC - states that would fare better

under a national popular vote system - know this. Rather than joining for strategic reasons, state officials sign on to the agreement to signal support for democracy to their constituents. After all, democracy has an almost religious appeal in the United States and politicians from both major parties score political points by appealing to it (Achen and Bartels 2016).

In line with this reasoning, I also predict that states with more democratic voting systems are more likely to join the NPVC than are those that implement antidemocratic policies, like laws that require voters to present photo identification on election day. After all, it stands to reason that states with greater levels of commitment to democracy, signaled or genuine, are more likely to join a compact committed to democratic principles.

Membership in the NPVC can be more cynical, though. Democratic states are often disadvantaged by the Electoral College and therefore have a political incentive to join an agreement that seeks to undermine its influence in presidential elections. Therefore, I also hypothesize that states with Democratic governors and legislatures and/or that voted for Al Gore in 2000 are more likely to join the NPVC.

I employ a survival analysis model to examine the factors most associated with membership in the NPVC and find that state democracy and partisanship are *not* reliable predictors of NPVC membership, as my hypotheses would suggest. Instead, state population density is the strongest, most consistent predictor of NPVC membership. These findings suggest that the NPVC is not the policymaking vehicle its proponents suggest and rather yet another aspect of state politics and policy that can be explained by geographic heterogeneity among the states.

1.3 Thesis Plan

In the pages to follow, I will further explain my theory of interstate compacts as tools for national policymaking through a case study of the NPVC. In chapter 2, I review the scholarly literature regarding the Electoral College and its effects on presidential elections

in the United States. I find that experts on US elections, whether or not they support the Electoral College, have documented extensively that the institution produces undemocratic effects on presidential elections.

In chapter 3, I review the literature on interstate compacts and their utility as a tool for multi-state cooperation, a subject to which scholars have paid scant attention over the past few decades. In chapter then turn my attention to the NPVC, analyzing it as a policy with diffusion potential, explaining the various obstacles to successful spread and, by extension, full implementation. In its current form, the compact faces a number of legal and logistical hurdles that reduce significantly the chances that it sees full implementation.

My hypotheses then arise naturally from these observations: the Electoral College is an undemocratic institution that produces occasional misfires in presidential elections, which are highly visible electoral outcomes that increase Americans' likelihood of demanding reform. State legislatures and governors, aware of the political benefit associated with a strong pro-democracy image, sign on to the agreement not because they believe it will ever go into effect, but rather to signal to their constituents that they believe in democracy. Misfires, despite their profound salience, do not stay on the public's mind for very long and reform efforts are stalled, meaning that politicians face no consequences for their purely symbolic action.

In chapter 4, I discuss the methodology used in my analysis. I employ a survival model to determine the best predictors of signing on to the NPVC and find that a one percent increase in population density increases the chances of joining the NPVC by 2.95%. I then conclude in chapter 5 by discussing my findings, their limitations, and avenues for future research.

The nature and scope of the NPV compact give rise to many important questions about interstate compacts and their utility as vehicles for policymaking: first, can compacts serve policymaking purposes besides the achievement of uncontroversial interstate cooperation? Second, can compacts be used to create policies that, in practical effect, apply to the en-

tire country? And third, can policies created via compacts experience policy diffusion as understood by the current literature? Each of these questions has significant implications for the scholarly understanding of policymaking as well as federalism and intergovernmental relations in the United States, and it is these questions I intend to answer in the pages to follow.

Chapter 2

The Electoral College

2.1   An American Experiment

There is perhaps no more succinct summary of the events leading to the ratification of the Constitution than that of historian Jack N. Rakove, who writes that

> Both the framing of the Constitution in 1787 and its ratification by the states involved
> processes of decision-making whose outcomes necessarily reflected a bewildering array
> of intentions and expectations, hopes and fears, genuine compromises and agreements
> to disagree (Rakove 1996, 6).

Scholars have written reams about the Constitutional Convention and the debate over the new form of government the framers created. To catalog the finer points here would be inappropriate, both because I am personally unqualified to offer such a truncation and because of the sheer number of compromises that led to the Constitution we know today. Even the *Federalist Papers*, the documents defending the Constitution that so many of us use to understand its meaning, were written by Alexander Hamilton, John Jay, and James Madison not to propose a new form of government but rather to defend the one that emerged from the debates at the Constitutional Convention (Ellis 2015, Rakove 1996). It is a uniquely American institution and one that has inspired endless debate about its merits since the

country's founding. All of this to say that the Electoral College, while enshrined in the Constitution, is the result of compromise and debate rather than a prescient, unalterable vision on the part of the Framers.

I do not, in the course of reviewing the literature on the Electoral College, wish to endorse or reject it. Individuals with infinitely more qualifications than myself have written countless papers on its benefits and drawbacks, on the implications of keeping and removing it. Democratic theorists, though, have long been troubled by the undemocratic effects the Electoral College has on presidential elections. In his book *How Democratic is the American Constitution?*, for example, the illustrious Robert Dahl laments the Framers' "defective design" in creating the Electoral College (Dahl 2003, 30).

This was far from a partisan musing from a political activist. Indeed, Dahl published extensively on democratic theory and is one of the most widely-respected political scientists in the discipline's history. But even he could not escape the observation that "among the countries most comparable to the United States" with longstanding democratic traditions, "not one has adopted our American constitutional system" (Dahl 2003, 41). Admittedly, the Framers, like all people, had temporal constraints on the knowledge available to them. For instance, through no fault of their own, they were completely ignorant of the central role that political parties would soon play in democratic governance. Now, most political scientists agree that parties are a natural and necessary part of any functioning democracy (Aldrich 1995, Lijphart 1999). Schattschneider (1942) famously argues that "democracy is unthinkable save in terms of parties." And as Dahl notes in *How Democratic?*, an awareness of "the central importance of political parties to a democratic republic" would almost certainly have prevented the Framers from creating "the absurdity of an electoral college" (Dahl 2003, 30).[1]

Electoral rules are complicated. Yes, they reflect the values of the political system in

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[1]It is also worth pointing out that James Madison, author of the faction-averse *Federalist 10*, changed his views of the course of his life. As he aged, he adopted a much more favorable view of group interests and political parties, raising serious questions about whether the Constitutional system he helped craft would have looked the same as it does today if he were older when creating it (Dahl 2006).

which they exist. But they also have consequences, altering the nature of the very contests they create. It is worth considering, then, why there have been more Constitutional amendments proposed "to alter or abolish the Electoral College" than there have been on any other provision in the document (Strömberg 2008). In the pages to follow, I discuss the effects that the Electoral College has on American presidential elections: the incentives created by its rules, and the consequences, intended or otherwise, of its centrality to elections in the American polity.

2.1.1 Electoral Misfires

Perhaps the most undemocratic aspect of the Electoral College is the possibility that it "misfires," or selects as president the candidate who did not receive the most vote. Political scientists and economists have spent decades toying with models to try and isolate the true likelihood of a misfire in presidential contests.

An early, mathematically-rigorous analysis from Samuel Merrill III (1978) found little cause for concern. Misfires are only likey "when the winner's proportion of the major party popular vote does not exceed 52 or 53 percent" (130). In other words, the wider the disparity between the share of the popular vote among the two major candidates, the less likely a misfire is to occur.

Longley and Pearce (1996) argue that, while that is true, "there is no better than a 50-50 chance that the electoral vote will agree with the popular vote" in close elections (136). Four years later, of course, George W. Bush was elected president despite receiving some 500,000 fewer votes than his opponent. And theirs was not the only eerily prescient work that all but predicted an increase in misfires shortly before they began occurring more frequently. David W. Abbott and James P. Levine (1991) in their appropriately-titled book *Wrong Winner: The Coming Debacle in the Electoral College* argue that changing demographics are likely to result in an increase in the frequency of misfires over time. At the time of writing, two of the last three presidents have been elected despite losing the popular vote in their first

general election contest.

Others have addressed misfires in other ways, like Edwards III et al. (2004), who emphasize the increasingly large disparities between candidates' share of electoral votes and their share of the popular vote, and Brian Gaines (2001) and Gordon Tullock (2004), who argue that electors' malfeasance in 1960 resulted in what should have been a popular vote win for Nixon but an electoral vote win for Kennedy.

The scholarship on misfires is limited but unified in finding that they are probable in close contests and likely to increase in frequency in the coming years.

2.1.2 Campaign Resource Allocation

Because Electoral votes are awarded to candidates according to a winner-take-all system, presidential candidates have a clear incentive to spend time and money campaigning in so-called "battleground" states. Up until the 2020 election, Democratic candidates had little reason to spend time trying to persuade voters in Texas and Georgia, since their combined 54 electoral votes are all but certain to be awarded to the Republican nominee. Similarly, save for Donald Trump's plea to Californians that they should vote for him because their state was allegedly "going to hell" (Graziosi 2020), Republicans rarely try to court the voters of the solidly-Democratic "Golden State." This is not an indictment of Republicans or Democrats who run for president. On the contrary, it is a completely predictable outcome for rational actors to pursue given the incentives produced by the electoral system in which they compete.

Candidates and operatives regularly admit as much, too. In 2012, then Republican frontrunner Mitt Romney expressed frustration at the elongated primary process which forced him to travel to solidly Republican states: "I hope we are able to resolve our nomination process as soon as possible. Of course because I'd like to focus our time and attention on those key battleground states," he said after securing over half of the delegates required to clinch the nomination (Blake 2012, Miller 2012). David Axelrod, President Obama's chief

strategist that year, famously told reporters that all that really matters in the general election is the electoral vote, reassuring those skeptical of Obama's chances that "there are a lot of ways for us to get to 270" (Calmes and Landler 2011). And George W. Bush's press secretary Ari Fleischer once defended the Electoral College shortly after Obama's 2008 victory: "If people don't like it, they can move from a safe state to a swing state and see their president more" (Doherty 2012a).

That some states have more value to candidates than others is hardly a startling observation, and one thoroughly documented in the literature (Strömberg 2008). Brams and Davis' (1974) research establishes the classic "3/2's rule," which holds that the Electoral College "induces candidates to allocate campaign resources roughly in proportion to the 3/2's power of the electoral votes of each state" (113), providing larger states with a structural advantage in attracting candidates' time and attention.[2] Colantoni, Levesque, and Ordeshook (1975) reject the "3/2's" rule for a number of methodological reasons, but maintain that its "principal characteristics" still have an impact on candidates' resource allocation decisions (153). Bartels (1985) finds that strategic considerations accurately predict the resource allocation of presidential candidates: advertising dollars and candidate appearances are doled out to more populous states that provide an advantage in the Electoral College.[3]

There is even some evidence that the incentives offered by the Electoral College remain in place *after* the presidential election. The "permanent campaign" hypothesis posits that "electoral concerns" are "central to decisions throughout a president's term in office," that "the techniques and strategies of presidential campaigning are applied throughout the course" of their first four years in office (Doherty 2012b, 2). Brendan J. Doherty (2012b), a proponent of this view, writes in his book *The Rise of the President's Permanent Campaign* that a state's number of electoral votes and the president's margin of victory (or defeat) there are both reliable predictors of whether or not they will experience presidential travel. The

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[2]Brams and Davis provide an example later in the text: suppose state A carries 16 electoral votes and state B carries 4 electoral votes. Candidates would then have an incentive to allocate eight times as many resources pursuant to winning the larger state A since $\frac{16^{3/2}}{4^{3/2}} = 8$ (Brams and Davis 1974, 122).

[3]Other resources are more widely dispersed (Bartels 1985, 928).

combination of the two is even more significant: presidents are more likely to visit those states that offer a large number of votes *and* that were decided by a small margin in the previous election. Cohen and Powell (2005) find that presidents travel to states in order to gain their approval, seeking to use in-person appearances in order to secure a political advantage over competitors.

2.1.3   Unequal Representation

Perhaps the most common argument offered in favor of the Electoral College is the disproportionate selection power it grants to less populous states. If the United States did not have an Electoral College, proponents argue, a few major cities and their outlying metropolitan areas would have the power to sway elections on their own. Effectively, then, small states would be disenfranchised and the abolition of the College threatens nothing short of "ignoring every rural and small-state voter" in the country (Gregg 2012).

While the validity of such arguments has yet to be established, they do contain a kernel of truth: the Electoral College affords some states greater power than others; particularly, residents of small states have a disproportionate say in the selection of the president compared to their large-state counterparts (Wegman 2020).

Figure 2.1 plots each state's influence on presidential elections by measuring the number of Electoral votes per million citizens, using the Census Bureau's 2019 ACS One-Year estimates and Electoral College totals from 2020.[4] Larger states like Texas, Florida, and California have among the lowest Electoral votes per million residents whereas smaller, less populous states like Wyoming have more.

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[4]Data calculated by author.

Representation in the Electoral College
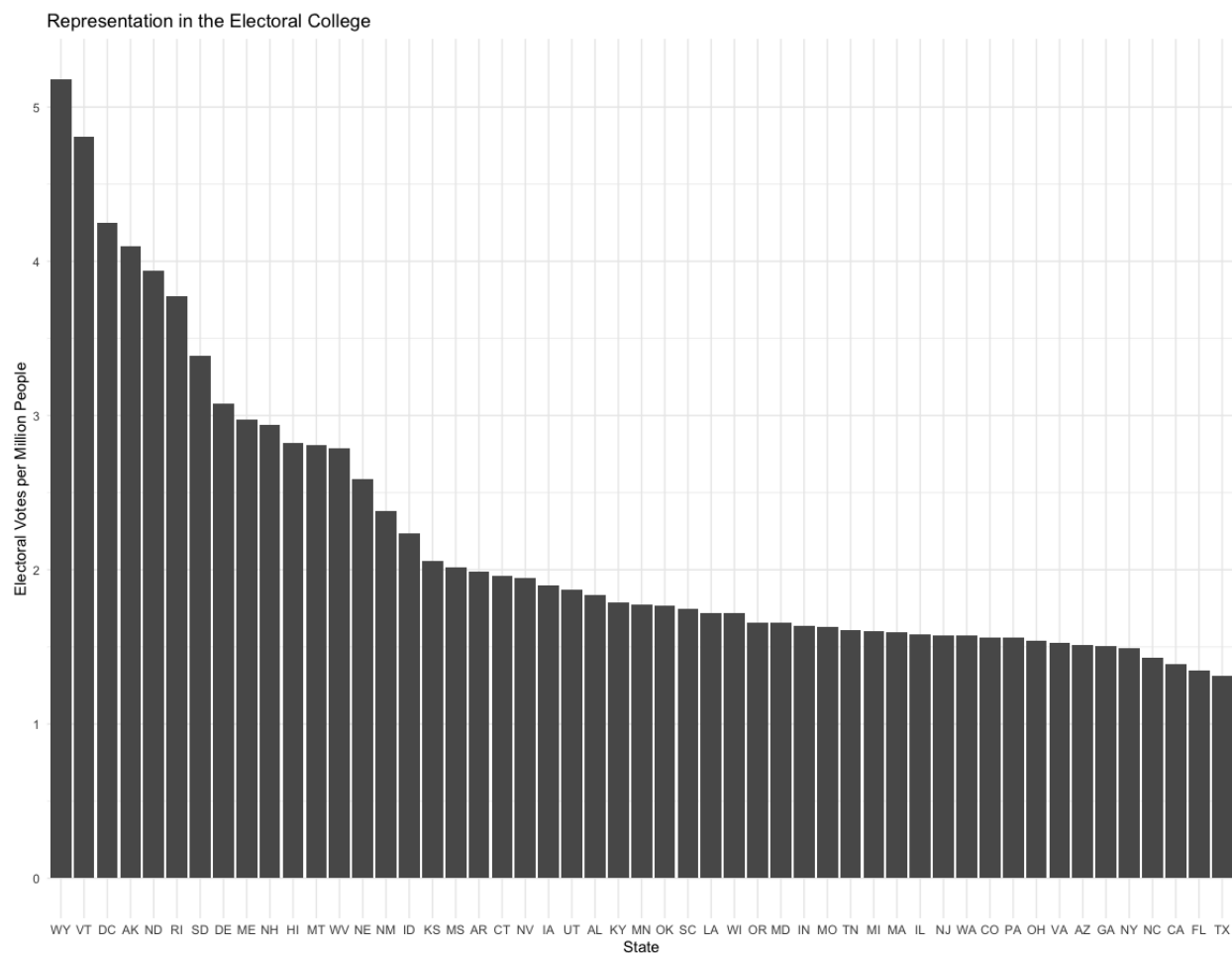
Figure 2.1: Representation in the Electoral College

Other effects are less direct but still noteworthy. Battleground status is linked with higher rates of voting (Lipsitz 2008) and civic engagement among the indigent (Gimpel, Kaufmann and Pearson-Merkowitz 2007), and Lanning (2008) observes that there are psychological costs to knowing one's vote counts less than others.' All of these findings demonstrate the importance of the political campaign as a tool of democracy and how the Electoral College creates outcomes that can reasonably be deemed undemocratic.

Chapter 3

Interstate Compacts

3.1   The Neglected Dimension

Though the United States Constitution makes specific mention of interstate compacts and alludes to their utility in a federal system, scholars have largely neglected the topic in their study of the American political system. Joseph F. Zimmerman wrote the first book on interstate compacts in 1996 (Zimmerman 1996). And while political scientists have paid slightly more attention to the subject since then, there is still much to learn about compacts and their potential uses in American public policy.

In this chapter, I examine the research to date on interstate compacts and their place in the unique American political system: what they are, how they work, and the various problems they can be used to address. I then transition to focus on the NPVC in particular: its terms, its Constitutionality, and the likelihood that it could realize implementation in the United States.

3.1.1   Background

Interstate compacts, or at least the ideas underpinning them, have existed for hundreds of years. Present in both the Articles of Confederation and the United States Constitution, they

emerged from court rulings over Colonial border disputes (Frankfurter and Landis 1925).

Fundamentally, interstate compacts are simple: they are legally binding contracts among two or more state governments. Joining a compact compels the signatories to abide by its terms, which are enforceable by courts.

Article I, §10 of the United States Constitution acknowledges the importance of state sovereignty and grants states permission to enter agreements among themselves, though the framers issue one caveat "No State shall, without the Consent of Congress...enter into any Agreement or Compact with another State." However, subsequent rulings by the Supreme Court would clarify that *some*, not all, compacts require Congressional approval. Zimmerman (2012) explains that the original purpose of the Congressional Consent requirement was the protection of two primary interests: the Federal government and non-signing states. If the implementation of a compact would have the practical effect of infringing on non-signatories' ability to carry out their duties, then the compact is "political" in nature and requires the consent of Congress (Zimmerman 2012, 50). In the absence of such circumstances, though, states can freely join compacts without the need for federal involvement.

3.1.2   Compact Scholarship

Little scholarly attention has been paid to the politics and practical implications of interstate compact formation and implementation. Broadly speaking, political scientists have focused their efforts on addressing two key areas: first, why do states join interstate compacts? And second, what are the effects of compact membership on their intended policy areas?

Though initially tools for resolving boundary disputes between geographically contiguous states, the scope and purpose of compacts has grown significantly over time (Broun et al. 2006, Florestano 1994, Welch and Clark 1973). One crucial use for compacts is policy formulation in the absence of federal action, as first suggested by Frankfurter and Landis (1925, 708), who argue that compacts provide a venue for "collective legislative action...by states constituting a region." Empirical studies have since validated their prediction. Bowman and

Woods (2007, 348) offer several reasons behind state compact membership, among them that the expanded role of compacts in the policymaking process has led states to "begin thinking of national compacts as potential alternatives to federal legislation." They find in their analysis that interstate compact formation increases in the absence of federal inaction. Woods and Bowman (2011, 861) similarly argue that, in some policy areas, interstate compacts serve "as an alternative means to make national policy from the bottom up during periods of relative federal inactivity." When the federal government fails to act on social or criminal justice policy, states enter into mutually agreeable compacts (Woods and Bowman 2011). Hasday (1997, 5) agrees, citing "state desperation" as a primary motivator for interstate compact formation.

Federal inactivity is not the only driving force behind interstate compact formulation. Woods and Bowman's 2011 analysis also shows that an overly-activist federal government can stimulate other types of compact formation. Indeed, federal attempts to centralize economic and homeland security policy provide incentives for states to form compacts and deal with these policy areas on their own terms (Woods and Bowman 2011). This is not to say that states are cavalier about compact membership. Indeed, one analysis of radioactive waste disposal policy shows that because of the many institutional layers compact formation creates, states weigh carefully the implications of joining compacts before deciding whether or not to do so (Hill and Weissert 1995).

Only a handful of papers have addressed the impacts of interstate compacts. Three notable studies examine the bureaucracy involved in the creation of interstate compacts. Fowler and Castellano (2017) find that the enforcement mechanisms created by interstate compacts - namely, courts - create accountability and prevent defections in ways that other agreements do not. Freundlich (1997, 54), on the other hand, examines the Interstate Compact on the Placement of Children (ICPC) and finds that the bureaucracy involved with compact formation "more frequently delays and frustrates desirable interstate placements of children in the foster care system." Schlager and Heikkila (2009) find that the bureaucracy

created by interstate compacts does not hinder their ability to respond to crises in a timely manner.

Unfortunately, the scholarship on interstate compacts is limited. And while some attention has been paid to compacts in the broader context of state innovation (Nicholson-Crotty et al. 2014), few political scientists have studied interstate compacts as policymaking tools.

3.2   The NPVC

The national popular vote interstate compact (NPVC) is a proposal to elect the President and Vice President by a national popular vote. Rather than abolishing the Electoral College, the NPVC preserves it. States still conduct elections, as is their Constitutional duty. But member states sign a legally binding agreement to cast their Electoral Votes to the winner of the national popular vote, not the winner of the statewide contest. Member states in 2016, for example, would have cast their Electoral votes for Hillary Clinton *regardless* of the outcome in their individual state.

At the time of writing, the NPVC proposal is just that: a proposal. Several states have already joined the compact but they are not yet bound by its terms. It is therefore worth discussing *what* the NPVC proposes and *why* it is likely or unlikely to eventually become law. The task before us is a daunting one, as any proposal aimed at fundamentally transforming the United States' institutions is, almost by axiom, complex.

In 2006, John R. Koza, the author of the NPVC proposal, partnered with several academics and lawyers to write a book that outlines and defends his plan. The result, titled *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote*, is a 1,000 page tome that not only contains the full text of the NPVC, but explains each of its provisions and offers a rationale for their inclusion. As years pass and new versions of the book are printed, *Every Vote Equal* remains among the most useful documents for understanding the NPVC proposal.

3.2.1 The Proposed Agreement

Koza et al (2013, 1) argue that the current electoral system in the United States is wholly undemocratic: "every vote should be equal. The presidential candidate who receives the most popular vote throughout the United States should win the Presidency. Every voter in every state should be politically relevant in every election."[1] In their view, the Electoral College violates the principles of majoritarian politics which *should* govern the process of presidential selection. Aware of the cumbersome process of amending the Constitution, the authors argue that there is a way to conduct elections at the state level while still nationalizing their collective results.

The text of the NPVC begins by identifying the prospective members: all 50 states and the District of Columbia. Article II of the NPVC mandates that "each member state shall conduct a statewide popular election for President and Vice President of the United States" and article V defines "statewide popular election" as a general election with "votes cast for presidential slates by individual voters" which are tallied "on a statewide basis" (Koza et al. 2013, 260). In other words, states conduct their own elections in which citizens cast their votes for the nominees for the major parties in the United States. The statewide totals are then aggregated and the chief election official in each state designates the winner of the nationwide total as the winner of the "national popular vote" (Koza et al. 2013, 264). Article III then guarantees that the winner of the national popular vote receives the Electoral votes of the member states:

> The presidential elector certifying official of each member state shall certify the appointment in that official's own state of the elector slate nominated in that state in association with the national popular vote winner (Koza et al. 2013, 264).

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[1]It is worth pointing out that these are normative statements. I print them in their entirety here not because I agree with them but because there is an academic interest in understanding the authors' motivation for seeking Electoral College reform. As one critic of the NPVC put it, "The proposition that the President should be elected through an exclusively majoritarian process...is a normative claim, and, like all such claims, it must be defended, not just stated" (Williams 2011, 24).

The above clause requires that member states allocate their Electoral votes to the winner of the national popular vote. In 2020, this would have been Joe Biden. In 2016, this would have been Hillary Clinton. And in 2000, this would have been Al Gore.

3.3   The NPVC: Barriers to Implementation

The NPVC faces a number of obstacles to full implementation. The first, and arguably greatest, is embedded in the compact itself. The NPVC does not become legally binding until the number of electoral votes among compacting states totals 270. Currently, signatories have 196 EVs between them. Several other states must join the agreement before it can even take effect - and since misfires are so uncommon, Electoral College reform has generally low issue salience, stunting the policy's diffusion potential. Second, the NPVC requires adoption by an array of diverse states with drastically different political climates. Not unlike many issues in contemporary United States politics, Electoral College reform has become a partisan political issue for many Americans and may be difficult to pass in traditionally Republican geographies. Third, and lastly, the nature of the agreement gives rise to important legal challenges that almost certainly would delay, if not invalidate, the compact's validity.

3.3.1   Required Number of Member States

In order for the NPVC to become legally binding, the Electoral votes of its signatories must total 270 - the threshold presidential candidates must cross to win the election.

Though compacts are qualitatively and legally similar to contracts, this paper conceptualizes them as policies to be adopted rather than agreements to be joined (after all, in many cases it is the state legislatures who vote on whether or not to join). As Bowman and Woods (2007) observe, the motivation behind compact membership is often "multi-faceted, involving issues of capacity, the actions of other governments both state and national, and...politics" (363). The primary advantage of this approach is that it becomes possible to analyze the

NPVC through the lens of policy diffusion.

Policy diffusion - the spread of innovations or regulations across geographies - is a subject of immense scholarly interest. The literature, accordingly, is vast and contains a diverse set of approaches, methods, and findings. It is not my intent to oversimplify this fascinating area of study, even for use as a frame of reference in my hypotheses.

But when viewed as a policy with the potential to diffuse, the NPVC becomes less mysterious and more accessible. It becomes possible to question *what* causes the NPVC to "diffuse" to other states since a body of scholarly evidence can provide clues. For my purposes, the definition of policy diffusion offered by Simons, Dobbin, and Garrett (2006, 787) will suffice: "[P]olicy diffusion occurs when government policy decisions in a given [jurisdiction] are systematically conditioned by prior policy choices made in other [jurisdictions]." Though this conceptualization was originally put forward in the context of international policy diffusion, Gilardi (2016, 9) has accurately pointed out that its ideas "can be adapted to fit the vast majority of the processes that political scientists are interested in."[2]

In 1932, Supreme Court Justice Louis Brandeis wrote in one of his dissenting opinions that "It is one of the happy incidents of the federal system that a state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country" (*New State Ice Co. v. Liebmann* 1932). This was a new idea at the time but one that has persisted: states can implement policies and other states (or the federal government) can assess the impacts and decide if they wish to implement a similar initiative. States can act as "laboratories of democracy" that provide evidence of certain policies' efficacy that would otherwise be unknown. Though scholars debate how often state initiatives spread in this manner, the literature on diffusion offers plenty of insight on the factors that cause a policy to spread from one state to another.

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[2]It was Gilardi who originally altered the quotation from Simons, Dobbin, and Garrett to reference "jurisdictions" rather than "countries."

Agenda-Setting

One crucial factor affecting the diffusion of policies among states it whether or not policies make their way to a state's policy agenda, the set of policies or interventions actively considered by lawmakers. Theorists like Kingdon (1995) argue that the process of determining which potential interventions appear on the policy agenda is crucial in evaluating policy change. Others emphasize that before this can happen, there must be some public recognition of a clearly defined problem to be solved (Rochefort and Cobb 1994).

Baumgartner and Jones (1993) develop a theory of "punctuated equilibrium" which blends elements of both these observations. Punctuated equilibrium relates policies' chances of implementation to their salience among the population. Long periods of little policy change, the two argue, are punctuated by shifts in national mood and public attention, altering the policy agenda and increasing the chances of action. Crucial to this process is what they call "policy image," or how policies are understood by the public. Empirical study has confirmed that there exists a link between issue salience and the likelihood of rapid policy diffusion (Nicholson-Crotty 2009).

The theory of punctuated equilibrium helps explain why the NPVC is unlikely to diffuse. Critiques of the Electoral College are often low-salience issues. Electoral misfires, for instance, have only occurred a few times in American history and likely provoke more outrage directly after they happen than in the years that follow. As a result, placing the NPVC on the policy agenda is a difficult task that involves keeping issues of American democracy forefront in the voters' minds. I find this unlikely to happen. While scholars have found evidence that national debates can affect states' policy agendas (Karch 2007), critiques of the Electoral College are more likely to emerge in presidential election years than at any other point. It is difficult to achieve sustained attention to issues that only make themselves known at a minimum every four years.

The Success Paradox

Another important determinant of policy diffusion is success. Policies that achieve their intended goals are more likely to diffuse to other jurisdictions than those that do not. Volden (2006), for example, offers convincing evidence that state Children's Health Insurance Program (CHIP) practices that lowered uninsurance among children were more likely to diffuse than those that were unsuccessful.

However, there is no way to evaluate the effectiveness of the NPVC. For one, there is no metric by which to define "success;" either a state joins or it does not. This presents an interesting problem for the compact, as traditionally, successful policies are more likely to diffuse. But in the case of the NPVC, success (or, more accurately, implementation) is contingent on diffusion. Thus, one of the most basic and evidenced predictors of policy diffusion is unavailable to us as political scientists, and a key source of information for prospective signatories is absent.

Moreover, though there is some evidence that interstate compacts can lower the cost of policy experimentation (Bowman and Woods 2007), very little of the NPVC is subject to change. The text of the agreement is rather short and leaves almost no room for modifications. And while it is possible legally for states to make their own membership contingent on certain changes, it is difficult to conceive of a way this could be done without affecting the Constitutionality of the agreement (I return to this point in 3.3.2).

This may seem insignificant, but state-specific provisions provide an incentive for states to adopt policies that they otherwise may not consider. Many traditionally Republican states have expanded Medicaid eligibility thresholds per the guidance in the Affordable Care Act (ACA) in part because they were able to alter the provision of benefits in their state (Michener 2018). Since the NPVC necessarily prohibits this type of alteration, some states may be reticent to join an agreement over which they have little to no substantive control.

Internal State Politics

The explanation offered by Volden and others, though, is incomplete. Indeed, as Lanford and Quadagno (2016, 635) conclude in their study of state Medicaid expansion decisions from 2012-2014, "states are not *merely* laboratories of democracy in the sense that they demonstrate what is possible at the federal level. Factors within states are relevant to both the policy formation process and the implementation process [emphasis added]."

Even if the NPVC manages to make its way to a state's policy agenda, it must overcome internal state politics. Transitioning to a national popular vote, though favored by a majority of Americans, is a deeply divisive partisan issue: 71% of Democrats favor a national popular vote as opposed to 37% of Republicans (Jones 2021).

The policy diffusion literature offers a number of insights into how policies in one jurisdiction spread to another, and the NPVC faces a number of obstacles to widespread and rapid diffusion. It is unlikely that the compact will gain the required number of signatories in the short term.

3.3.2 Congressional Consent

Koza et al. (2013) contend that the NPVC could see full implementation without Congressional approval. After all, they argue, only political compacts which encroach on federal sovereignty require such approval, and the NPVC only seeks to "change *state* winner-take-all statutes," none of which were "originally adopted by means of a federal constitutional amendment" (Koza et al. 2013, 634). One of the coauthors writes in their own work that

> The Agreement Among States to Elect the President by National Popular Vote is a current example of an innovative proposed interstate concordat not requiring the consent of Congress to become activated (Zimmerman 2012, 53).

Nevertheless, legal scholars are in almost unanimous agreement that the NPVC would

require Congressional approval to become active. Others argue that the compact infringes on the interest of non-member states (Muller 2007) or alters the United States' federal structure in an unconstitutional manner (Drake 2014, Ross and Hardaway 2014). Ross and Hardaway (2014) go further and explicitly call on Congress to reject the NPVC if given the opportunity to weigh in on its Constitutionality. And some argue that the compact itself is illegal, claiming its provisions violate either the Constitution (Williams 2012) or §2 and §5 of the Voting Rights Act (Gringer 2008).

Assuming it acquires enough signatories, the NPVC would almost certainly require Congressional consent, presenting two problems for its eventual implementation: first, there is no Constitutional provision that specifies the timeframe within which Congress must render a decision. Congress can thus "be slow in granting [their] consent" (Zimmerman 2010, 119) to compacts and could potentially stall the NPVC indefinitely. After all, whether intentional or not, Congress is a slow-moving deliberative body by design (Binder 2003).

Second, Congress is a political body. Members are often motivated by re-election (Mayhew 1974) and hopes of gaining partisan advantage (Lee 2016), meaning that the NPVC would need to be relatively uncontroversial to gain quick (if any) approval. Plainly, an undertaking as massive and consequential as electoral reform does not fit this description.

Chapter 4

Methodology

In the previous chapters, I established that the NPVC is a unique, state-based plan to nationalize presidential elections in the United States, though one that faces a number of obstacles to full implementation. I thus hypothesized that state-level actors who promote the NPVC do so to signal support for Democratic values rather than to achieve certain policy ends. The paragraphs below describe the survival model I have created to test whether or not politics are the primary motivation for politicians seeking to join the agreement to elect the president by the national popular vote.

4.1   Hypotheses

Given that the NPVC is a complex agreement with generally low issue salience and numerous legal ambiguities, I argue that its implementation is unlikely. Several states have signed on to the agreement nonetheless. Why might this be? That is the central question I have set out to answer in this paper. Assuming that lawmakers are aware of the hurdles that the NPVC must face before full implementation, one explanation follows logically from these premises:

Hypothesis 1: *State lawmakers join the NPVC to signal to their constituents support for*

democracy.

In the preceding chapters, I established that the NPVC is unlikely to see full implementation (see section 3.3). However, the public broadly supports Electoral College reform on the grounds that the institution produces undemocratic outcomes (see chapter 2). State lawmakers, if they are aware of these two facts, have a clear incentive to appease the public by taking action on Electoral College reform even if the mechanism they use is unlikely to succeed. Should the agreement eventually work, then the lawmakers who adopted early (if they are still public servants) may be hailed as visionaries, as principled defenders of democracy and pioneers of a popular policy. If not, then it is not necessarily their fault if other states decide not to join the agreement. Put simply, the costs associated with future failure to implement the agreement are low compared to the political benefits of joining in the present. It is a particularly appealing choice given that there is no real downside to joining provided that the public supports the policy.

H1 functions without the assumption that commitment to democracy is genuine or institutional at the state level. That is, a state can sign on to the NPVC in order to signal commitment to democracy while simultaneously implementing antidemocratic policies. However, it stands to reason that states with more democratic voting systems join the NPVC. I therefore predict:

Hypothesis 2: *Having a more democratic voting system increases the likelihood that a state joins the NPVC.*

To measure how democratic a state's voting system is, I have constructed an index that aggregates policies related to elections and voter turnout (see section 4.2.2). **H2** essentially leans on the same logic underlying **H1** but does not assume that the commitment to democracy is shallow or performative. If a state typically supports expanded voting rights, it is reasonable to suppose that they similarly support other democratic policy efforts like

nationalized elections.

However, politicians can be more cynical. They can exploit anxiety and desire for change among populations that would stand to benefit from nationalized elections. Therefore, my third and final hypothesis is that:

Hypothesis 3: *States that would benefit politically or electorally from a national popular vote are more likely to join the NPVC.*

While it may seem counterintuitive that states would strategically join the compact *knowing* that it is unlikely to succeed, the logic here is much the same as in **H1**. Since the NPVC does not take effect until the signatories' votes in the Electoral College totals 270, member states can reap the political benefit of electoral reform regardless of the whether or not the NPVC sees full implementation. The electoral benefit that would then arise would be an added benefit. The political benefit of joining, in other words, occurs irrespective of the actions of other states.

4.2   Data

In order to ascertain the effect of political factors on states' likelihood of joining the NVPC, this analysis will track several predictor variables' impact on the incidence of "death" among the states included in the sample.

4.2.1   Compact Membership Status

I employ survival analysis to test the hypothesis, treating the time it takes for a state to formally join the compact as the "survival time." Obviously, not all states have joined the compact at the time of writing (otherwise this would be a rather futile undertaking on my part). The treatment of non-compacting states, then, is of great importance in creating a

robust model.

Assume that T is a continuous, non-negative random variable that represents the time until the implementation of the NPVC. Assume T has some probability density function (PDF) $f(t)$ and a cumulative density function (CDF) $F(t)$. Standard survival analysis holds then that the probability of "surviving," that is, not adopting the NPVC, one unit of time before t is given by

$$S(t) = P(T \geq t) = 1 - F(t) = \int_t^\infty f(x) \ dx \qquad (4.1)$$

This conception of $S(t)$ creates several potential problems. Most importantly for my purposes, the underlying assumption in model above is that the "event of interest," joining the NPVC, "is bound to occur," that as $t \to \infty$, $S(t) \to 0$ (Rodríguez 2007, 4). While it is possible to conduct survival analysis with an uncertain event, "the waiting time T could be undefined (or infinite) and thus not a proper random variable" as its PDF would not integrate to one (Rodríguez 2007, 4).

In order to avoid such complications, this analysis is limited only to those states that have *already* joined the NPVC, guaranteeing that the outcome of interest occurs for each state. Table 4.1 shows each of the current signatories to the NPVC and the year in which they joined.

Table 4.1: Current Signatories to the NPVC

No.	State	Date Joined
1	Maryland	April 2007
2	New Jersey	January 2008
3	Illinois	April 2008
4	Hawaii	May 2008
5	Washington	April 2009

Continued on next page

Table 4.1 – continued from previous page

No.	State	Date Joined
6	Massachusetts	August 2010
7	District of Columbia	December 2010
8	Vermont	April 2011
9	California	August 2011
10	Rhode Island	July 2013
11	New York	April 2014
12	Connecticut	May 2018
13	Colorado	March 2019
14	Delaware	March 2019
15	New Mexico	April 2019
16	Oregon	June 2019

This analysis concerns itself only with those states that have already agreed to the compact: Maryland, New Jersey, Illinois, Hawaii, Washington, Massachusetts, the District of Columbia (D.C.), Vermont, California, Rhode Island, New York, Connecticut, Colorado, Delaware, New Mexico, and Oregon. Other states have formally considered but failed to adopt the NPVC and therefore are not included. Data on compact membership status and date of adoption come from Ballotpedia's page for the National Popular Vote Interstate Compact (*National Popular Vote Interstate Compact* N.d.).

Figure 4.1 plots the proportion of sampled signatories to sign on to the compact against time, measured as the number of months since January 2006, the year in which the compact was drafted. The risk of "death" (joining the NPVC) appears steady over time, with most states signing between $t = 50$ and $t = 100$ months, and a large number (four) doing so after $t = 150$ months.

Figure 4.1: Plot: NPVC Members Survival
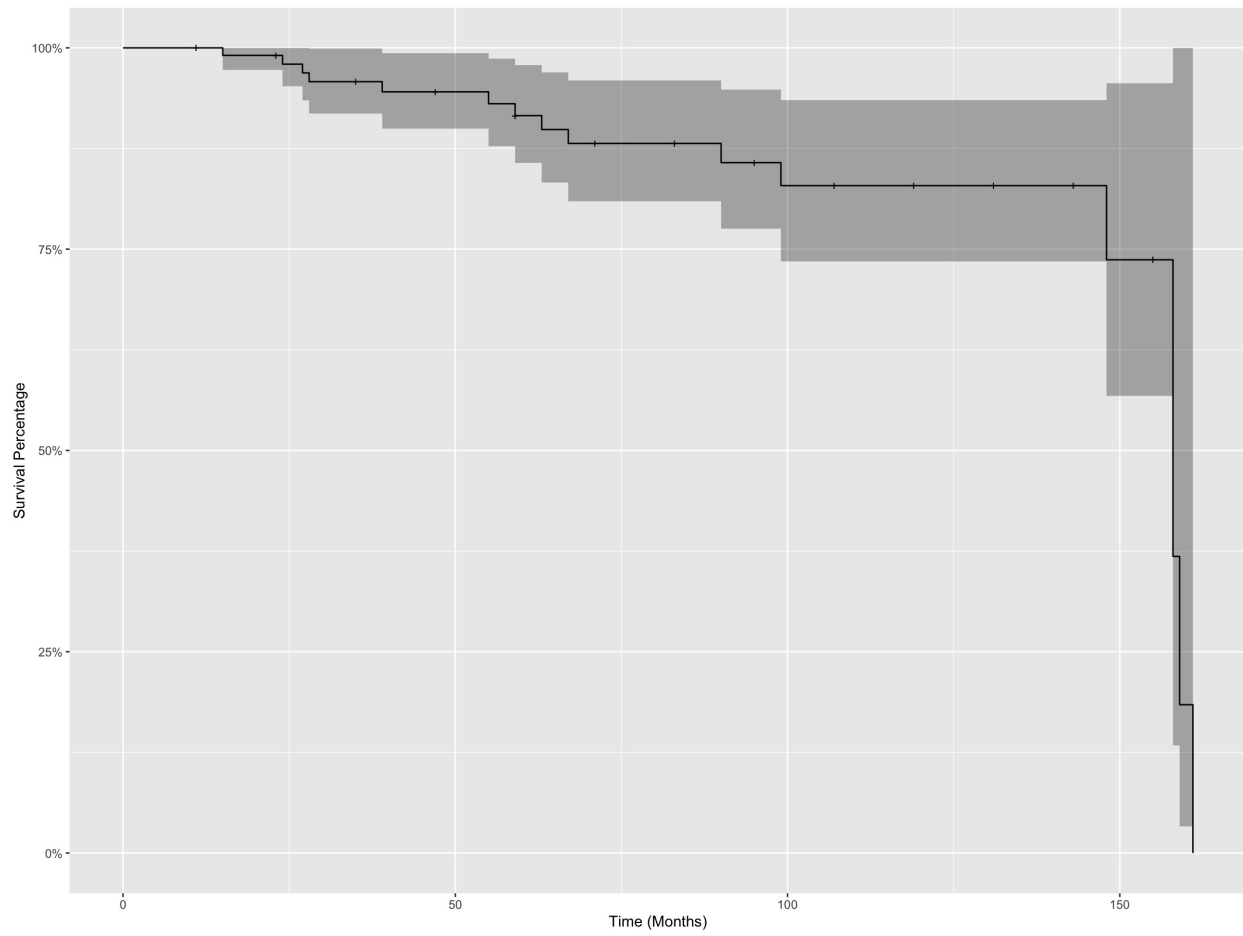
One prominent feature of the United States' federal system is the great heterogeneity in the operation of the lower levels of government. Some state legislatures only convene part-time, for example, while others meet year-round. Legislative sessions in different states begin at different times, making some time-series analyses more difficult. To ensure uniformity, time-dependent variables - such as the binary "state s joined the compact in year t" - will face a cutoff date of January first of that year. In other words, if a state joined the compact in April of 2008, they would not count as a compacting state until 2009. Lagging the variables by a year may seem counterintuitive but will help account for the various quirks of different state governments.

Another oddity of the United States is the District of Columbia (DC), a territory and NPVC signatory that lacks some of the features of U.S. statehood. Accordingly, some data that were available for all U.S. states were not available for DC. As a result, DC is excluded from the analysis. Though there are 16 current signatories to the NPVC, only 15 are included in the model and therefore the "number of events" that appears in the regression tables in section 4.3 equals 15 rather than 16. As a robustness check, Appendix B displays the results of the survival model without the variables for which data for DC is unavailable or lacking.

4.2.2 Measuring State-Level Democracy

Central to **H2** is the relative level of democracy inherent to the voting system in a given state s in a given year t. To this end, I have constructed an index that measures how democratic a state's electoral system has been from 2006-2019, given by

$$\text{democracy score} = \left(\sum_{i=1}^{n} \bar{a}_i - \sum_{i=1}^{n} \bar{b}_i \right) \tag{4.2}$$

where each $\bar{a}_i$ is a vector of policies that promote democracy and each $\bar{b}_i$ is a vector of policies that inhibit democracy by suppressing the vote, depressing turnout, or otherwise obstructing the democratic process.

Table 4.2 lists the factors included in the state democracy index, or "democracy score." Pro-democracy policies are those which encourage or expand citizen access to the political process. States with Constitutional provisions allowing legislative ballot initiatives, for example, receive plus one to their democracy score, as each policy is a simple dummy variable indicating the policy's presence or absence in state s in year t. Turnout percentage is scaled and added to the total as well, since higher voter turnout means higher citizen engagement in politics. Anti-democratic policies have the opposite impact on the democracy score: laws that mandate a photo ID to be able to vote depress turnout and therefore have one subtracted from their democracy score. All data that factor in to the democracy score come from the Council of State Governments' Book of the States and Ballotpedia. [1]

Factors Affecting Democracy Score

Policies		Other Factors
Pro-democracy	*Anti-democracy*	Turnout in midterm elections
Recall procedure	Voter ID laws (no photo required)	Turnout in general elections
Ballot initiative procedure	Voter ID laws (photo required)	
Referendum procedure		

Table 4.2: Factors Affecting Democracy Score

Appendix A includes a table with all states included in the analysis and their respective democracy scores.

4.2.3 Political Variables

There are a large number of ways to measure political motivations. Including too many of them may result in multicollinearity and too few may understate the effect of political considerations on the inclination to join the compact.

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[1]The purpose of voter ID laws may be debated in the public arena. But as Anderson (2018, 2) argues, their real intent is to prevent "American citizens from having a say in their own democracy," an outcome that disproportionately affects people of color.

One key assumption in **H3** is that state actors consider the electoral benefit to joining when making the decision to formally consider adopting the NPVC. Naturally, I expect that states whose populations are most underrepresented by the Electoral College are more likely to join. Thus, I include state population size in the model, data which come from the Census Bureau's ACS One-Year Estimates. Similarly, I expect that states that voted for Al Gore in 2000 and/or Hillary Clinton in 2016 are more likely to join the compact since they are the states that suffered from electoral misfires. Ideally, dummy variables for both would be included, but *all* current signatories cast their Electoral votes for Hillary Clinton in 2016, meaning that variable cannot be included without risking multicollinearity. A dummy for a Gore vote in 2000 is included, however, since Colorado voted for George W. Bush then.

Third, and finally, so-called "red" states - those with a solidly Republican citizens and leadership - are less likely to join than are "blue" states. Since the Electoral College, in several presidential elections since 2000, has benefited Republicans at the expense of Democrats, **H3** implicitly suggests that Democratic states are more likely to join the NPVC than Republican states. I have therefore included dummy variables to indicate whether or not a state has a democratic trifecta (control of the governorship and both houses of the state legislature, data courtesy of the National Council of State Legislatures) at the time of NPVC adoption. If the NPVC is merely another political front over which opposing politicians can battle, then one or more of these covariates should be significant in predicting NPVC membership.

4.2.4 Other Covariates

My model includes other variables of interest. All of these are demographic data - unemployment rate, population, population density - from the Census Bureau's American Community Survey (ACS) One-Year Estimates.

4.3 Results

4.3.1 Survival Model Results

I employ a Cox proportional hazards survival model to determine the factors most associated with a state's decision to join the NPVC where the risk of failure (signing the compact) $h(t)$ is given by

$$h(t|X) = h(t) \exp(X_1\beta_1 + X_2\beta_2 + ... + X_n\beta_n) \tag{4.3}$$

where $X_1, X_2, ..., X_n$ represent the n covariates described in 4.2 and $\beta_1, \beta_2, ..., \beta_n$ represent the coefficients on those variables. The model takes observations starting at $t_0 = 0$, January 2006, and ending at $t = 162$ in 2019, the 162nd consecutive month after t_0 where each month adds 1 to the "time" the model has been in effect. The outcome of interest, as in all Cox models, is $\exp(\beta_i) \; \forall i \in [1, n]$.

Table 4.3 shows the results of the full survival model. Population density is the only covariate to return statistically significant with $p < 0.05$.

Variable	Estimate	HR	95% CI	p-value
		Dependent variable:		
		NPVC Membership		
Democratic Governor	-0.289	0.748	(0.041, 13.749)	0.846
Democratic Trifecta	0.279	1.321	(0.137, 12.724)	0.809
Population	0.516	1.675	(0.570, 4.926)	0.349
Population Density	0.971	1.099	(1.047, 8.620)	0.0408**
Democracy Score	0.1389	1.149	(0.554, 2.379)	0.709
Voted for Gore (2000)	0.314	1.369	(0.124, 15.077)	0.797
Unemployment Rate	-0.002	0.998	(0.465, 2.140)	0.995)

Observations	118
Number of Events	15
R^2	0.080
Wald Test	7.87 (df = 7)
LR Test	10.2 (df = 7)
Score (Logrank) Test	10.38 (df = 7)

Note: $^*p<0.1$; $^{**}p<0.05$; $^{***}p<0.01$

Table 4.3: Predictors of NPVC Membership, Survival Model Results

The hazards ratio (HR) for population density is greater than one and therefore results in greater risk - in this case, greater likelihood of joining the NPVC. These results show that states with higher levels of population density are significantly more likely to join the compact. A one percent increase in population density results in about a one percent increase in likelihood of joining the compact, and states with higher population densities are about 2.6 times more likely to join the NPVC.

These results refute **H1** and **H2** as neither the democracy score nor the political covariates produce statistically significant results. That is, states with more democratic electoral systems or more Democratic compositions are no more likely to join the NPVC. As for **H3**,

there is little overlap between the states most underrepresented by the Electoral College and the states with the highest population density. There is thus insufficient evidence to conclude that representation or strategic considerations are major predictors of NPVC adoption.

4.3.2 Robustness Check: Deconstructing State Democracy

As described in section 4.2.2, the democracy score aggregates several different factors to determine the level of democracy in state election systems. To ensure the validity of the index and to determine whether the variables that comprise it are significant predictors of NPVC membership, I conduct a separate analysis without states' democracy scores, instead using its component parts as covariates. Table 4.4 shows the results of the second analysis.

Variable	Dependent variable:			
	NPVC Membership			
	Estimate	HR	95% CI	p-value
Democratic Governor	1.642	5.164	(0.271, 98.532)	0.275
Population	-0.065	0.937	(0.286, 3.074)	0.915
Population Density	1.971	7.1811	(1.719, 29.998)	0.00688***
Voted for Gore (2000)	-2.011	0.134	(0.004, 4.641)	0.266
Unemployment Rate	0.312	1.367	(0.590, 3.166)	0.466
Recall Provision	0.243	1.276	(0.134, 12.109)	0.832
Ballot Initiative Provision	0.100	1.107	(0.418, 2.907)	0.845
Voter Turnout	0.101	1.106	(0.572, 2.142)	0.764
Voter ID Law	1.216	3.375	(1.621, 7.024)	0.00115***
Voter ID Law (No Photo)	-1.070	0.343	(0.121, 0.971)	0.04386**
Observations	118			
Number of Events	15			
R^2	0.080			
Wald Test	15.7 (df = 10)			
LR Test	21.71 (df = 10)			
Score (Logrank) Test	32.75 (df = 10)			

Note: *p<0.1; **p<0.05; ***p<0.01

Table 4.4: Predictors of NPVC Membership, Survival Model Robustness Check

In the second analysis, population density still returns significant with $p < 0.01$. Notably, some of the component parts of the democracy score also return statistically significant: the adoption of voter ID laws that do and do not require photo verification are also significant predictors of NPVC adoption with $p < 0.01$ and $p < 0.05$, respectively.

Chapter 5

Conclusion

In the preceding pages, I presented a theory that describes interstate compacts as a means of signaling democratic values to constituents. I hypothesized that this type of democratic signaling was the primary motivator for NPVC adoption. I also conceived of two other factors that animate state adoption of the compact: political and strategic considerations. The empirical results, however, suggest that *none* of these explanations is complete and instead that population density is the strongest predictor of NPVC adoption among current signatories.

5.1 Discussion

That population density is a consistent predictor of NPVC membership does not lend itself to a parsimonious explanation. Indeed, neither **H1** nor **H2** nor **H3** mention population density as a potential motivator for state membership in the compact. And the most popularly-dense states are not the most underrepresented in the Electoral College.

Similarly, the results from section 4.3.2 do little to support my hypotheses. While there is some overlap between those states that are underrepresented by the Electoral College and those states with high population density, there is no evidence to suggest that the link is direct. Moreover, antidemocratic voter ID laws return statistically significant as a predictor

of NPVC membership, directly refuting **H2**.

Several questions are raised by the results: first, why is geography the best predictor of NPVC membership? Most likely, it has to do with the implications of a dense population. States with high population density are more likely to have citizens concentrated in a few geographic areas, namely, cities and their outlying metropolitan areas. And it is exactly these areas that stand to benefit from nationalized presidential elections, as critics of the NPVC are often the first to point out.

Second, why are antidemocratic policy measures predictors of NPVC membership? Perhaps there are exogenous variables that explain such policy activity from states more generally. Moreover, changes in control of the legislature over time can shift policy priorities as well as the issues that make it to the policy agenda. Further research needs to be conducted on the NPVC and how it relates to other issues on member states' policy agendas before conclusions can be drawn from this analysis alone. Perhaps a variable measuring the size or content of the overall policy agenda in a given year would help explain these results.[1]

5.2   Limitations

This analysis, like all research, suffers from a number of limitations. First, and perhaps most obvious, is the small sample size with which to draw inferences. A small-n analysis is not atypical in state politics research, but it nonetheless limits the generalizability.

Secondly, this analysis concerns itself only with current NPVC signatories. All 50 states and the District of Columbia can sign the compact, but only sixteen have opted to do so. While current signatories are the focus of my analysis (for practical reasons outlined in section 4.2.1), there are legitimate arguments to be made in favor of broadening its scope to include non-member states. Non-signatories may serve as implicit control for a number of factors and may elucidate more clearly *why* the compacting states have decided to join the

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[1]Binder (2003) famously measures the national policy agenda in her book *Stalemate: The Causes and Consequences of Legislative Gridlock*. With some key differences in context, it is this type of conception that I have in mind when I write of measuring the national or state policy agenda.

NPVC. That is, non-signatories may serve as a more distinct frame of reference from which to draw conclusions about the factors that motivate membership in the NPVC. Future research ought to consider the 35 states that have so far opted against NPVC membership, whether they have formally considered and rejected the proposal, as is the case with Mississippi and Virginia, or whether they have not considered it at all.

Thirdly, population density as a covariate may obfuscate other important covariates since it is highly correlated with partisanship. Simply put, states with high population density tend to be more Democratic. Some issues may arise, then, when simultaneously analyzing the effect of political variables that represent more Democratic entities and population density. The District of Columbia, a highly Democratic area, is also an extreme outlier with regard to population density. Still, the relationship between population density and partisanship is not direct, and there are some consistently "red" states with high population density. Future research, though, should be careful when deciding which covariates to include so as not to encounter any such difficulties.

5.3   Contributions

The preceding analysis makes several important contributions to the literature on interstate compacts. To date, few studies have analyzed compacts as vehicles for policy innovation among the U.S. states. Fewer still have studied the National Popular Vote Interstate Compact, and *none* have conducted an empirical analysis of its diffusion potential. While not without its limitations, this thesis serves as a starting point for future research on interstate compacts with national, political implications - just like the NPVC.

Appendix A

State Democracy Scores

As detailed in 4.2.2, a state's democracy score is given by

$$\text{democracy score} = \left(\sum_{i=1}^{n} \bar{a}_i - \sum_{i=1}^{n} \bar{b}_i \right)$$

The table below shows the average democracy score of each signatory of the NPVC from 2006-2019:

State	Average Democracy Score
California	3.2418
Colorado	2.3017
Connecticut	0.9082
Delaware	0.7621
Hawaii	-0.7110
Illinois	2.3460
Massachusetts	2.3290
Maryland	1.2335
New Jersey	2.3550
New Mexico	1.2409
New York	1.2341
Oregon	3.2949
Rhode Island	2.2695
Vermont	1.2860
Washington	3.2848

Appendix B

Granting DC Statehood

Recall that the District of Columbia was excluded from the analysis for theoretical and practical reasons (see chapter 4). As an additional robustness check, I have removed the variables for which data for DC was unavailable to see if population density still returns statistically significant. Table B.1 displays the results of the analysis with DC included. In this case, "Democratic Governor" refers to the mayor of DC rather than the nonexistent governor. Though the mayor of DC does not have all the powers of a state's governor, it serves as an admittedly imperfect proxy for the purposes of this robustness check.

Even in the analysis with DC, population density returns as the only statistically significant correlate of NPVC membership. These results suggest that the original analysis in chapter 4 is robust and that population density *is* the strongest predictor of states' decision to sign on to the NPVC.

Variable	Estimate	95% CI	HR	p-value
	Dependent variable:			
	NPVC Membership			
Democratic Governor	-0.132	(0.164, 4.686)	0.877	0.878
Population	0.520	(0.650, 4.354)	1.682	0.284
Population Density	1.082	(1.295, 6.719)	2.949	0.010**
Voted for Gore (2000)	0.280	(0.134, 13.114)	1.323	0.811
Unemployment Rate	0.022	(0.491, 2.129)	1.023	0.952)
Observations	123			
Number of Events	16			
R^2	0.080			
Wald Test	9.14 (df = 5)			
LR Test	11.94 (df = 5)			
Score (Logrank) Test	11.61 (df = 5)			

*p<0.1; **p<0.05; ***p<0.01

Table B.1: Predictors of NPVC Membership, Survival Model Results (with DC)

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