



NATIONAL POPULAR VOTE: RECOUNT MADNESS

Two presidential elections in the modern era have seen popular vote margins of about half a percent or less. The closest presidential election had a popular vote margin of fewer than 10,000 votes nationwide—closer than the margin in many individual states. Yet the National Popular Vote interstate compact (NPV) has no provisions for a recount if the national margin is close.

Each state has its own recount laws. Automatic recounts are triggered in some states if the margin is half a percent or less, while in other states the required margin is a quarter percent or even a tenth of a percent. Candidates may also request recounts in many states, though the requirements also vary from state to state. Some states have no provisions for recounts.

In a close election, Americans would be shocked to learn that NPV provides no provisions governing a recount. Confusion and controversy would result from trying to apply each state's recount laws. Would an automatic recount be triggered by a close national margin, or only a close margin in that state? If a losing candidate can request a recount, is that based on the state or national margin?

In the end, some states would conduct recounts while others looked on, depending on how states (and various state and federal courts) interpret and apply state laws. Recounts would have different standards and could easily be biased to support a state's favored candidate, generating distrust, outrage, and questions about legitimacy of the election outcome.

Only a partial, inconsistent, and chaotic recount would be possible under NPV if the national margin was close.

KEY POINTS

- NPV could require, for the first time in American history, a nationwide recount.
- In a close election under NPV, it would be impossible to conduct a legitimate national recount.
- The courts would dictate which states conduct recounts and which do not, and which ballots would be counted and which would be discarded.
- A partial recount would generate significant anger and chaos, undermining the legitimacy of the candidate ultimately deemed the NPV winner.