



The National Popular Vote Interstate Compact: A Backdoor Attempt to Rewrite the Constitution Without Amending It

By: CRA Staff

Why Congress Should Act Before It Is Too Late

For decades, efforts to abolish the Electoral College have failed because the Constitution requires a constitutional amendment to fundamentally change the method of electing the president. Rather than pursue Article V, supporters have adopted a different strategy: the **National Popular Vote Interstate Compact (NPVIC)**.

The compact requires participating states to award all of their electoral votes to the winner of the **national popular vote**, regardless of how their own citizens voted. Once states totaling **270 electoral votes** join, the compact takes effect automatically, effectively replacing the Electoral College with a national popular vote without changing a single word of the Constitution. Today, the compact stands at **222 electoral votes**, just **48 votes away** from becoming operative. The most recent state to join was Virginia in April 2026, with Governor Abigail Spanberger signing the legislation.

Why the NPVIC Is Unconstitutional

1. It circumvents Article V.

The Constitution provides one method for fundamentally changing the presidential election system: **constitutional amendment**. The NPVIC attempts to accomplish through coordinated state legislation what Article V reserves to the amendment process. It preserves the shell of the Electoral College while replacing its substance.

2. It exceeds the states' Article II authority.

Article II allows **each state legislature** to determine *how* its own electors are appointed. It does not expressly authorize a coalition of states to convert the Constitution's state-based presidential election system into a de facto national popular election. No Supreme Court decision has upheld such a use of Article II.

3. It implicates the Compact Clause.

Interstate compacts are common and often beneficial. States routinely cooperate on transportation, water rights, emergency management, and law enforcement. But the Constitution requires congressional consent for interstate agreements that increase the collective political power of states in relation to the national government. The NPVIC is unlike ordinary interstate compacts because it coordinates state authority to determine the election of the President of the United States, and the compact cannot come into effect without Congressional consent.

4. It nationalizes elections without national election laws.

Under the compact, participating states would award electors based on ballots cast and counted under dozens of different state laws governing voter ID, absentee ballots, recounts, certification, and among other things. Electoral outcomes for president in a state would therefore be dependent on the electoral outcomes in other states and other states' electoral laws and not just that one state's. Our Constitution has *never before operated* in such a patchwork of dubious legal standards.

Congress Can Act Now

Congress does not have to wait until the compact reaches 270 electoral votes.

The NPVIC would be the type of interstate compact requiring congressional consent, and **Congress can act now** by *expressly denying consent* to the compact through ordinary legislation. Such legislation would reaffirm that the Electoral College cannot be fundamentally altered through coordinated interstate agreements and that any change to the Constitution's presidential election system must occur through Article V, not by compact. The president's signature would reaffirm the Constitution's existing framework and preserve Congress's role in protecting the constitutional structure.

For the full constitutional and historical analysis, see The Center for Renewing America's legal primer, [*The Interstate Compact Complication: The Left's Backdoor Attempt to Abolish the Electoral College*](#), by Benjamin Osborne.