

Testimony of Barry Fadem
President, National Popular Vote
In Support of Raised Bill 5662

An Act Concerning An Agreement Among The States
To Elect The President Of The United States By National Popular Vote

Senator Slossberg, Representative Caruso and distinguished members of the GAE Committee. My name is Barry Fadem, President of National Popular Vote and I am excited to be here to speak to you about Raised Bill 5662, An Act Concerning An Agreement Among The States To Elect The President Of The United States By National Popular Vote.

The National Popular Vote bill would guarantee the Presidency to the candidate who receives the most popular votes in all 50 states (and the District of Columbia).

In less than two years, the National Popular Vote bill has been enacted into law in Maryland and New Jersey and is on the Governor's desk in Illinois. The bill has passed 14 legislative houses (one house in Arkansas, Colorado, North Carolina, and Washington state, and both houses in California, Hawaii, Illinois, New Jersey, and Maryland).

The bill is currently endorsed by 801 state legislators-419 sponsors (in 47 states) and an additional 382 legislators who have cast recorded votes in favor of the bill. The shortcomings of the current system of electing the President stem from the winner-take all rule that awards all of a state's electoral votes to the presidential candidate who receives the most popular votes in each state.

Under the winner-take-all rule, candidates have no reason to poll, visit, advertise, organize, campaign, or worry about the concerns of voters of states that they cannot possibly win or lose. This means that voters in two thirds of the states are effectively disenfranchised in presidential elections because candidates concentrate their attention on a small handful of "battleground" states. In 2004, candidates concentrated over two-thirds of their money and campaign visits in just five states; over 80% in nine states; and over 99% of their money in just 16 states.

Another shortcoming of the current system is that a candidate can win the Presidency without winning the most popular votes nationwide. A shift of 60,000 votes would have elected Kerry in 2004, even though President Bush was ahead by 3,500,000 votes nationwide.

The U.S. Constitution gives the states exclusive and plenary control over the manner of awarding of their electoral votes. The winner-take-all rule is not in the U.S. Constitution. It was used by only 3 states in the nation's first presidential election. Maine (since 1969) and Nebraska (since 1992) award electoral votes by congressional districts-a reminder that a federal constitutional amendment is not required to change the way the President is elected.

The National Popular Vote bill would take effect only when enacted, in identical form, by states possessing a majority of the electoral votes-that is, enough electoral votes to elect a President (270 of 538). When the bill is enacted in a group of states possessing 270 or more electoral votes, all of the electoral votes from those states would be awarded, as a bloc, to the presidential candidate who receives the most popular votes in all 50 states (and DC).

The bill has been endorsed by the *New York Times*, *Chicago Sun Times*, *Minneapolis Star-Tribune*, *Los Angeles Times*, *Boston Globe*, and *Sacramento Bee*, Common Cause and Fair Vote. 70% of the public has long supported nationwide election of the president.

The National Advisory Board of National Popular Vote includes former congressmen John Anderson (R-Illinois and later independent presidential candidate), John Buchanan (R Alabama-the first Republican elected to represent Birmingham), Tom Campbell (R California), and Tom Downey (D-New York), and former Senators Birch Bayh (D-Indiana), David Durenberger (R-Minnesota), and Jake Garn (R-Utah).