

**Testimony in support of Raised Bill No. 6437**

**Nic Marais, Yale Law School<sup>1</sup>**

**February 18, 2009**

Senator Slossberg, Representative Spallone, distinguished members of the Government Administration and Elections Committee: thank you for the opportunity to speak in support of Raised Bill No. 6437. It's a privilege to be here.

My name is Nic Marais. I'm South African, and a first-year student at Yale Law School.

I arrived in Connecticut in the middle of 2008—and, while I'm here, I'd like to steal a moment to say thank you for the incredible warmth and hospitality that everyone has shown.

I rushed my plans to come here a little so that I could be in the States during an election year. Growing up, witnessing South Africa's first democratic elections and the birth of our Constitution, it was clear that we had borrowed a lot from you, and the opportunity to be here, in the home of democracy, during a key election, was immensely exciting.

I found exactly what I was looking for: students, neighbors, new friends who were welcoming and engaging, interesting and interested, who followed the news and daily polls. I watched the Presidential debates in large lecture halls as my colleagues analyzed, dissected, discussed, blogged... never before had I witnessed that level of intellectual acuity, or that sort of engagement in the political process.

And then a funny thing happened. With just weeks to go to November 4, everyone got ready to leave. They organized lifts and accommodation, got in their cars, and drove to New Hampshire, Pennsylvania, even Ohio—to encourage voting and participation in *other* states. When I asked 'why?', I was told that marginal votes in Connecticut just don't count.

Then I realized, it wasn't just my colleagues who felt that way. Once the primaries were done, neither Barack Obama nor John McCain gave a campaign speech or attended a rally in Connecticut.<sup>2</sup> Neither candidate spent a cent here during the general election.<sup>3</sup> By comparison, Florida raked in \$47m; Ohio, \$40m; Pennsylvania, \$61m; New Hampshire, \$17m.<sup>4</sup>

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<sup>1</sup> The author prepared this testimony through the Yale Law School Legislative Advocacy Clinic, under the supervision of J. L. Pottenger, Jr., Nathan Baker Clinical Professor of Law.

<sup>2</sup> John McCain addressed one rally in the run-up to Super Tuesday; he attended the Hartford Finance Reception on June 12, 2008. President Obama gave two speeches in Connecticut before the primaries; he visited once after Super Tuesday, on May 25, 2008, to deliver a commencement speech at Wesleyan University, at Senator Kennedy's request. Information available at <http://projects.washingtonpost.com/2008-presidential-candidates/tracker/states/ct/>

<sup>3</sup> President Obama spent \$730,335 on advertising in Connecticut during the primaries; by comparison, he raised almost ten times that amount in Connecticut: \$7,149,929. Full statistics available at

And it turns out there was nothing special about 2008. In 2004, the two candidates visited Florida 61 times; Connecticut—and 25 other states—not a single visit.<sup>5</sup> Bush and Kerry spent \$100m advertising in Florida and Pennsylvania; in Connecticut, nothing.<sup>6</sup> Because they, too, think that Connecticut votes don't count. Because they, too, are calling this a 'spectator' state.

The National Popular Vote will change that.

If you were asked to design an electoral system for the world's leading democracy, would you choose one where more than 30 states are ignored by the candidates; where passionate people may travel to *other* states to get involved; or would you choose a system where every single vote counts, one person-one vote, where no-one is a spectator to the election?

That's the choice before us today.

Once again, thank you for this opportunity. I'm excited to be here, and happy to take any questions.

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<http://www.cnn.com/ELECTION/2008/map/ad.spending/> and  
<http://www.cnn.com/ELECTION/2008/map/fundraising/>

<sup>4</sup> Statistics available at <http://www.cnn.com/ELECTION/2008/map/ad.spending/>

<sup>5</sup> FairVote, *Presidential Election Inequality: The Electoral College in the 21st Century*, p. 37. Full report available at <http://www.fairvote.org/media/perp/presidentialinequality.pdf>

<sup>6</sup> FairVote, *Presidential Election Inequality: The Electoral College in the 21st Century*, p. 37. Full report available at <http://www.fairvote.org/media/perp/presidentialinequality.pdf>