

Testimony of Alex Taubes
Student, Yale Law School
In Support of Raised Bill No. 432
February 25, 2013

Senator Musto, Representative Jutila, and distinguished members of the Government Administration and Elections Committee:

Thank you for the opportunity to speak today in support of Raised Bill No. 432, the bill to elect the President of the United States by National Popular Vote. My name is Alex Taubes. I grew up in Madison, Connecticut and am now a first-year law student at Yale Law School working in partnership with Common Cause in Connecticut.¹ I live in New Haven.

The Electoral College was originally intended to protect states' interests.² But the current Electoral College only protects "swing states" at the expense of all others, big and small. After the 2012 party conventions, for example, the presidential and vice presidential candidates from both parties held all of their campaign events in a mere *twelve* states.³ Connecticut wasn't visited once. Meanwhile, the candidates spent four hundred million dollars on television advertising, but spent 99% targeting voters in just *ten* states—and Connecticut wasn't one of them.⁴

¹ Written under the supervision of J.L. Pottenger, Jr., Nathan Baker Clinical Professor of Law at Yale Law School, Shelley Geballe, Distinguished Senior Fellow at Connecticut Voices for Children and Clinical Visiting Lecturer at Yale Law School, Alex Knopp, Clinical Visiting Lecturer at Yale Law School, and Kim Hynes, Senior Organizer at Common Cause in Connecticut.

² The Constitution originally gave slaveholding states extra influence in the House of Representatives through the "three-fifths compromise," which allowed states to count slaves as three-fifths of a person when calculating their representation. But since slaves could not count in a direct election of the President because they could not vote, slaveholding states would have had less relative influence over the election of the President without the Electoral College. Giving the power to elect the President to electors—equal in number to each state's combined House and Senate seats—protected slaveholding states' interests. See George C. Edwards, *Why the Electoral College is Bad for America* 87 (Yale University Press 2004).

³ Statistics on candidate visits and advertisement spending in the 2012 election are taken from Fair Vote, "Presidential Tracker," last updated November 16, 2012, available at <http://www.fairvote.org/presidential-tracker> (last accessed February 24, 2013).

⁴ Both candidates raised money in the state: President Obama and Governor Romney each received more than \$10,000,000 in campaign contributions from Connecticut residents. As demonstrated above, however, the candidates likely spent much of that money out of state. See Los Angeles Times, "Presidential campaign contributions, by state," last updated November 5, 2012, available at <http://graphics.latimes.com/usmap-presidential-candidate-contributions/> (last accessed February 24, 2013).

The focus on “swing states” influences what happens after elections as well. The Electoral College gives extraordinary power to special interests in the “swing states.” Thus, Cuban American voters in Florida have disproportionate power to influence U.S. foreign policy⁵, ethanol farmers in Iowa have disproportionate power to influence U.S. energy policy⁶, and energy companies in Ohio and Virginia have disproportionate power to influence U.S. environmental policy.⁷ Whether you agree with these groups’ positions or not, **the President of the United States should be accountable to the whole nation—not just the voters of “swing states.”**⁸

Electing the President of the United States by National Popular Vote isn’t about party politics. We all remember the Electoral College favoring George W. Bush in 2000 even though he earned 500,000 fewer votes than Al Gore. But the National Popular Vote doesn’t necessarily favor Democrats over Republicans. John Kerry could have won the 2004 election—despite earning 3.5 million fewer votes than Bush—with a mere sixty thousand additional votes in Ohio as he would have prevailed in the Electoral College. In short, the National Popular Vote bill doesn’t favor blue states or red states—it’s about getting rid of the red state, blue state divide and making every vote count equally.

Forty-nine years ago, in *Reynolds v. Sims*, Chief Justice Earl Warren wrote, “the weight of a citizen’s vote cannot be made to depend on where he lives.”⁹ The current Electoral College does just that. Of course, the National Popular Vote bill won’t come into effect until it’s passed by states accounting for 270 or more electoral votes. But passing the National Popular Vote bill in Connecticut will bring us one step closer to giving equal weight to all votes cast in the presidential election.

⁵ See Susan Eckstein, *The Immigrant Divide: How Cuban Americans Changed the U.S. and Their Homeland* 113-119 (Routledge 2009) (demonstrating that American embargo policies toward Cuba, generally, have become more restrictive in presidential election years and documenting election-driven foreign policy toward Cuba by presidents of both parties).

⁶ Larry Rother, “In Iowa, McCain Warms to U.S. Role Promoting Ethanol,” *New York Times (The Caucus Blog)*, October 26, 2008, available at <http://thecaucus.blogs.nytimes.com/2008/10/26/in-iowa-mccain-warms-to-us-role-promoting-ethanol/> (last accessed February 24, 2013).

⁷ See Zack Colman, “Climate group pushes Obama campaign to pull pro-coal ad,” *The Hill (Energy & Environment Blog)*, September 11, 2012, available at <http://thehill.com/blogs/e2-wire/e2-wire/261481-climate-group-pushes-obama-campaign-to-pull-pro-coal-ad> (last accessed February 24, 2013); see also John M. Broder, “Re-election Strategy Is Tied to a Shift on Smog,” *New York Times*, November 16, 2011, available at <http://www.nytimes.com/2011/11/17/science/earth/policy-and-politics-collide-as-obama-enters-campaign-mode.html> (last accessed February 24, 2013).

⁸ James Madison echoed this concern at the Constitutional Convention, declaring that “the President is to act for the people, not for States,” Edwards, *Why the Electoral College is Bad for America* at 95.

⁹ 377 U.S. 533, 567.