

SENATE BILL 432

Testimony of Barry Fadem President, National Popular Vote

February 25th, 2013

Senator Musto, Representative Jutilla, Ranking Members, and other members of the Government Administration and Elections Committee, thank you very much for the opportunity to testify in support of Senate Bill 432: AN ACT CONCERNING AN AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT OF THE UNITED STATES BY NATIONAL POPULAR VOTE.

My name is Barry Fadem, President of National Popular Vote. I am submitting a detailed explanation of this legislation in writing for the record, but would like to spend my time responding to several issues that were raised during this hearing, and to answer any questions you may have.

Legislative Overview

The National Popular Vote bill would guarantee the Presidency to the candidate who receives the most popular votes in the entire United States.

The bill ensures that *every* vote, in *every* state, will matter in *every* presidential election.

The bill has been enacted by 9 jurisdictions possessing 132 electoral votes—49% of the 270 necessary to activate it (VT, MD, WA, IL, NJ, DC, MA, CA, HI).

The bill has passed a total of 31 legislative chambers in 21 jurisdictions (AR, CA, CO, CT, DC, DE, HI, IL, ME, MD, MA, MI, NV, NJ, NM, NY, NC, OR, RI, VT, WA). In the 47–13 vote in the Republican-controlled New York Senate, Republicans supported the bill 21–11, and Democrats supported it 26–2. The bill has been endorsed by 2,124 state legislators.

The shortcomings of the current system stem from state winner-take-all statutes (that award all of a state's electoral votes to the candidate receiving the most popular votes in each state).

The most important consequence of state winner-take-all statutes is that presidential candidates have no reason to pay attention to the concerns of voters in states where they are comfortably ahead or hopelessly behind. Four out of five Americans were ignored in the 2012 presidential election. After being nominated, Obama conducted campaign events in just eight

closely divided battleground states, and Romney did so in only 10. These 10 states received 98% of the \$940 million spent on campaign advertising. Forty states were mere spectators.

State winner-take-all statutes have permitted candidates to win the Presidency without winning the most popular votes nationwide in 4 of our 57 elections — 1 in 14 times. A shift of 59,393 votes in Ohio in 2004 would have elected John Kerry despite President Bush's nationwide lead of over 3,000,000 votes. A shift of 214,390 votes in 2012 would have elected Mitt Romney despite President Obama's nationwide lead of almost 5,000,000 votes.

Article II, Section 1 of the U.S. Constitution gives the states exclusive control over the manner of awarding their electoral votes: "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors...." The winner-take-all rule is not in the Constitution. It was used by only three states in our nation's first election in 1789. Maine and Nebraska's awarding of electoral votes by district is a reminder that states control the process.

Under the National Popular Vote bill, all the electoral votes from the enacting states would be awarded to the presidential candidate who receives the most popular votes in all 50 states (and DC). The bill would take effect only when enacted by states possessing a majority of the electoral votes—that is, enough electoral votes to elect a President (270 of 538).

The National Popular Vote bill preserves the Electoral College and state control of elections.

State polls are favorable: AK-70%, AR-80%, AZ-67%, CA-70%, CO-68%, CT-74%, DC-76%, DE-75%, FL-78%, ID-77%, IA-75%, KY-80%, ME-77%, MA-73%, MI-73%, MN-75%, MS-77%, MO-70%, MT-72%, NH-69%, NE-74%, NV-72%, NM-76%, NY-79%, NC-74%, OH-70%, OK-81%, OR-76%, PA-78%, RI-74%, SC-71%, SD-75%, TN-83%, UT-70%, VT-75%, VA-74%, WA-77%, WI-71%, WV-81%, and WY-69%.

Our National Advisory Board includes former Senators Jake Garn (R-UT), Birch Bayh (D-IN), and David Durenberger (R-MN); former congressmen John Anderson (R-IL, I), John Buchanan (R-AL), Tom Campbell (R-CA), and Tom Downey (D-NY). Backers include former Senator Fred Thompson (R-TN), Governor Jim Edgar (R-IL), and Cong. Tom Tancredo (R-CO).

Additional information is available in our book *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote* and at www.NationalPopularVote.com.