

Testimony of Marta Daniels

In Support of the National Popular Vote Bill, SB 432
GEA Committee of the CT State Legislature, Hartford, CT,
Feb. 25, 2013

My name is Marta Daniels of Chester, CT. I'm testifying in favor of the *National Popular Vote Bill, CT SB432*, a compact with other states to award all of our electoral college votes to the Presidential candidate who receives the most votes nationwide. The agreement takes effect only if states with a combined total of 270 electoral votes—a majority—join the agreement. This plan makes every citizen's vote count equally.

In addition to all the reasons you'll hear today, my support for the *NPV* is that it's *THE only firewall we have to protect CT citizens and their vote against the rigging of future national elections that will unfairly skew the outcome of our next Presidential race.*

With this Bill, you have a chance to ensure large-scale voter protection by helping to guarantee one person, one vote, here and everywhere--a concept that our democracy is based upon. The election of second-place candidates is simply no longer acceptable.

But that's where we're headed in 2016. Forces that were not in play when you first debated the NPV in 2009 are undermining the electoral process now. Three new developments—for which the *National Popular Vote* is a remedy—are these:

- 1) Voter Disenfranchisement from Unprecedented Partisan Redistricting in 2011;
- 2) Electoral College Vote Rigging from Unchallengeable 25 State Single-Party Control in 2012;
- 3) Massive Asymmetric Partisan Voter Suppression Efforts in 2012

1. **Voter Disenfranchisement from Redistricting:** Because of major GOP wins in the 2010 midterms, Republicans controlled the redistricting pen in a mandated census year. They vigorously redrew districts to favor themselves in four times as many places as Democrats, redrawing lines in 20 out of 27 states. While gerrymandering has been a bipartisan offense, it was unsurpassed in this last census cycle.¹

So unparalleled and successful was it that by the 2012 elections, partisan gerrymandering resulted in unmatched GOP supermajorities in 25 state legislatures (up from 14), as well as GOP retention of the US House by 33 seats, despite losing the total popular vote for Congressional candidates by 1.4 million votes.² More shocking, even when the GOP received less than 50% of the votes in Congressional races, they still got 60%-75% of the House seats. This was because of redistricting. Even TV's "Morning Joe" Scarborough said, "Republicans owe their majority in the House to Gerrymandering!" Thus, John Boehner retained his gavel, claiming the people had voted for "divided government!" But they hadn't; it wasn't true.³

The reality is--clever redistricting is now able to turn popular vote defeat into a sure election victory. By any measure, this is the least recognized, but the most effective form of voter disenfranchisement ever practiced in modern times. Princeton Neuroscientist Professor Sam Wang, in a recent NYT essay, estimated that the number of voters whose ballots were rendered meaningless by gerrymandering was 4 million.⁴

{See shockingly candid GOP internal report on gerrymandering, "RedMap: 2012 Summary Report", Nov. 7 2013. A copy is included w/ testimony.⁵}

2. Electoral College Vote Rigging: Alarmed by challenges they face in winning the White House, and buoyed by the success of their redistricting, the GOP is pushing an all-out assault on the Electoral College system: it wants to change the rules in critical swing states from "winner take all" to district-based apportionment, dividing up the EC vote to whomever wins the congressional district.⁶

Sounds fair, but not true or fair. Such district-based plans would make the elections less competitive than the current system because the vast majority of congressional districts today are completely safe for one party or the other, and thanks to the gerrymand, they are most safe for the GOP. Also, the rule changes wouldn't ensure that the candidate with the most votes wins. Again, it would make the current system worse. Had such "proportional" plans been in place in the 6 major swing states [Ohio, Michigan, Wisconsin, Pennsylvania, Virginia, and Florida], or even in *every* state in 2012, Mitt Romney would have won the election, even though Obama received 3 million more popular votes.⁷ The NPV is designed to circumvent this electoral "second best" candidate choice.

Neal Peirce, scholar and noted Presidential elections historian says: "These plans (to change EC) are the most overt effort to rig elections for President of the United States that I've seen in a half century of analyzing and writing about our electoral college system."⁸

{Following paragraph omitted from oral statement:} But the GOP likes these plans because they provide another advantage. Democrats tend to live in dense urban areas; they vote and win their districts by huge margins (with huge numbers of "wasted" votes). Republicans are more spread out in less populated rural areas giving them smaller majorities

but in a greater number of districts (with fewer "wasted" votes). The future trend for this demographic will only increase, and in combination with gerrymandering, it will result in safer and safer elections for one party for the next ten years. This means, according to the Brennan Center at NYU, that it will be next to impossible for Dems to reclaim control of the US House or our state houses until 2020, when the new census allows new lines to be redrawn.⁹

3. Voter Suppression: Blue state voter suppression is on the rise. The number of non-white Dem-leaning voters is increasing. The "browning of America" figure is now over 31% and growing, even as white, older, GOP-leaning voters are decreasing. Having lost 5 of the last 6 elections, the GOP is increasing its efforts to disenfranchise voters using voter suppression tactics in mainly blue states. In the name of challenging voter fraud, a raft of draconian Voter ID laws, registration obstructions, voter list purges, early voting day eliminations, polling place closings, and access reduction times are being aggressively undertaken by red legislatures in blue-leaning states.¹⁰ The *Orlando Sentinel* newspaper reported that over 200,000 eligible voters in Florida alone did not vote this last election--all discouraged by voting obstructions placed in their way.¹¹

Thwarting voters by gaming the mechanics of the voting system itself, in tandem with gerrymandered congressional districts, spells certain doom for democracy and voting rights. It is no coincidence that these voter suppression tactics and laws have been passed in key swing states that happen to have Republican control. It is not the "integrity of the vote" being protected here, but rather, voter disenfranchisement.

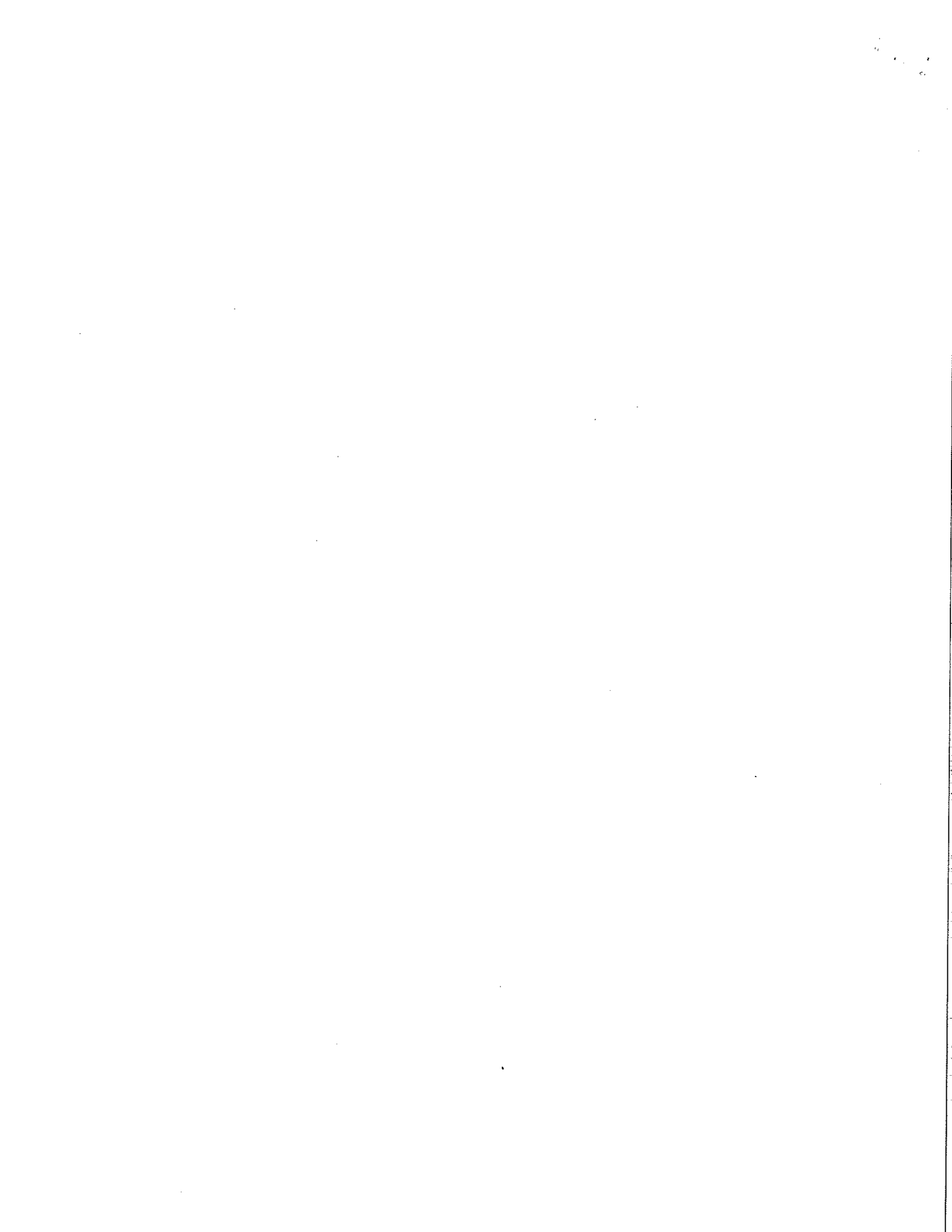
There are no countervailing tactics to fight back with anything similar, but there is one weapon – the firewall of the *National Popular Vote* – that is a tool at our disposal.

Tying the electoral college's outcome to the national vote total would destroy the distorting concept of "swing states," and enfranchise Republican voters in CT or CA alongside Democratic voters in CT or CA. It would nullify the partisan disenfranchisement of the gerrymander, and reduce the impact of voter suppression regimens now infecting our body politic. I urge the CT State Legislature to adopt an effective electoral anti-biotic: the *National Popular Vote* bill. It is the only mechanism that can prevent a rigged 2016 Presidential election.

It is not without cause that our current Senate minority leader, Mitch McConnell called the NPV "*the most important proposal in America nobody's talking about...*" He added, "*it is also the most dangerous.*"¹²

With this bill, you have a chance to vote for election protection. Bring it out of Committee, help educate your colleagues, and get the Bill to a vote. Our democracy depends on it. Please make Connecticut the tenth state to join the NPV compact. *Let us not arrive at November 2016, and regret that we did not put this simple NPV mechanism in play when we had the chance.*

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¹ "The Very Hungry Gerrymander," Dr. Samuel Wang, Princeton Election Consortium, Oct. 4, 2012; see also Rasmussen Report, "Why the GOP Could Keep the House in 2012," by Glen Bolger and Jim Hobart, April 15, 2011. They wrote:

Republicans control drawing 193 seats outright, while the Dems have just 44. That is a 149-seat advantage for the GOP (the rest of the seats are either in split-control states, commission-drawn states, at-large seats or currently undecided). That represents a 186-seat shift in favor of the GOP from 2001—and Republicans have won three out of five congressional majorities since then"...There has been a dramatic change in the redistricting situation over the last 30 years—going from a GOP disadvantage of -172 net seats in 1981, to -167 in 1991 (making the 1994 GOP takeover even that much more earth shattering) to just -37 in 2001 to +149 today...

² GOP Report, "RedMap: How a Strategy of Targeting State Legislative Races in 2010 Led to a Republican U.S. House Majority in 2013," by the Republican State Leadership Committee, Nov. 7, 2013. According to the Report, "Democratic candidates for the US. House won 1.1 million more votes than their Republican opponents," but "ended up with a 33-seat majority." Republicans who redrew the maps lopped off the Dem parts of the states into ideologically concentrated blue districts (packing), and tipped the balance in all other districts in their favor. The GOP's 233-195 seat majority is the GOP's "second-biggest House majority in 60 years and its third biggest since the Great Depression," according to the Washington Post's Aaron Blake.

Also see "Powerful Supermajorities Elected to Statehouses," David Lieb, AP News, Nov. 19, 2012. According to the National Conference of State Legislatures cited in the article, "The 2012 vote created a broader tier of powerful one-party governments that can act with no need for compromise. Half of state legislatures now have veto-proof majorities, up from 13 only four years ago."

³ "The Great Gerrymander of 2012," Dr. Samuel Wang, New York Times, Feb. 2, 2013, and GOP Report, "RedMap," Also see "If the U.S. Were Really a Democracy, John Boehner Would Be House Minority Leader," Huffington Post, Nov. 13, 2012 and "Gerrymandering Won GOP the House Majority," Sahil Kapur, TPM DC, 1/17/13

In fact the GOP "won" 12 of Ohio's 16 House seats, or 75%, even though they only won 51% of the popular vote. In Pennsylvania, 100,000 or more Dem votes were cast over Republican, but the GOP got 75% of the total seats. In North Carolina and Michigan, Dems each won more than half of all votes, but Republicans claimed 70% and 60% seats respectively.

Joe Scarborough said on the January 20, 2013 Sunday Meet the Press "Republicans owe their majority in the House of Representatives to gerrymandering."

⁴ "Gerrymander, Part 2: How Many Voters Were Disenfranchised?" Dr. Samuel Wang, Princeton Election Consortium Blog, Jan. 2, 2013. Prof. Wang, a statistical election-modeller, wrote:

In the seven Republican-controlled states, the total votes cast were 16.22 million (50.8%) for Republicans, 15.68 million (49.2%) for Democrats for a 74 R, 32 D outcome. The simulations indicate that this seat split would normally only require 11.7 million Democratic votes. In other words, 4 million Democratic voters in seven states were disenfranchised.

See also, "Ending Gerrymandering and Building a Better Democracy," Steve Coll, New Yorker Magazine, Jan. 10, 2013

⁵ "RedMap: How a Strategy of Targeting State Legislative Races in 2010 Led to a Republican US House Majority in 2013" by the Republican Leadership Committee, published Nov. 7, 2013. In this shockingly candid report, the Republican Leadership Committee admitted to targeting state legislature races with the

intention of drawing new district lines in order to gain a US House majority. "The rationale was straightforward," the GOP wrote:

"...Controlling the redistricting process in these states would have the greatest impact on determining how both state legislative and congressional district boundaries would be drawn...

"...aggregated numbers show voters pulled the lever for Republicans only 49% of the time in congressional races, suggesting that 2012 could have been a repeat of 2008, when voters gave control of the White House and both chambers of Congress to Democrats...

"But, as we see today, that was not the case. Instead, Republicans enjoy a 33-seat margin in the US House seated yesterday in the 113th Congress, having endured Democratic successes atop the ticket and over one million more votes cast for Democratic House candidates than Republicans..."

"...One needs to look no farther than four states that voted Democratic on a statewide level in 2012, yet elected a strong Republican delegation to represent them in Congress: Michigan, Ohio, Pennsylvania and Wisconsin...[T]he Republican firewall at the state legislative and congressional level held.

In December, 2012, ProPublica detailed exactly how REDMAP worked, with special emphasis on redistricting in North Carolina, and exploring how the \$30 million RedMap employed in its efforts, bolstered its candidates. See "How Dark Money Helped Republicans Hold the House and Hurt Voters," Olga Pierce, Justin Elliott and Theodoric Meyer, ProPublica, Dec. 21, 2012.

⁶ "The GOP's New Voter Suppression Strategy: Gerrymander the Electoral College," Ari Berman, *The Nation*, Dec. 10, 2012; and "The GOP's Electoral College Plan," Reid Wilson, *National Journal*, Dec. 17, 2012; and "The Other GOP Plan to Blow Up the Electoral College Vote," Benji Sarlin, *TPMDC*, Feb. 4, 2013; "Republicans Plan to Use PA to Win the Presidency in 2016," Christopher Moraff, *The Philly Post*, Feb. 14, 2013; and "Ohio's GOP Secretary of State Already Has a Plan to Rig the 2016 Election for Republicans," Ian Millhiser and Josh Israel, *Think Progress*, Nov. 9, 2012; and "RNC's Priebus Proposes to Rig Electoral College so Losing Republicans Can Win," John Nichols, *The Nation*, Jan. 14, 2013.

Veto-proof, Republican-dominated state legislatures want to alter their state's current winner-take-all electoral college system to a congressional district allotment system where electors are awarded to the winner of each district. With more "winning" Republican districts, the GOP can control more electoral votes. Ohio Secretary of State, John Husted, is currently offering such a plan; Pennsylvania Gov. Tom Corbett unsuccessfully tried to enact this system last year and is going full speed ahead this year. In addition to PA, the plan is also being pushed now in the swing states of Wisconsin, Michigan and Virginia:

Virginia State Senator Charles "Bill" Carrico Sr. (R) has become the latest swing state-Republican to propose a scheme to rig presidential elections for future Republican candidates. Blue Virginia reports his proposed SB 723 would award the state's electors based on which candidate gets the majority of votes in each gerrymandered Congressional district -- rather than based on who gets the most votes statewide. [...] With a Republican-controlled redistricting passed earlier this year, Virginia Democrats were heavily packed into three districts. Under these maps, Obama won Virginia by almost a 4 point margin, yet he carried just four Virginia Congressional Districts. Were Carrico's scheme in place, Mitt Romney would have received seven of Virginia's 11 electoral votes despite receiving just 47.28% of the vote statewide.

⁷ Assuming that Mitt Romney won every congressional district that elected a Republican House candidate in key states, the Corbett/Husted plan (named after the Pennsylvania governor and Ohio secretary of state) would have given Romney 17 electoral votes in Florida, 9 in Michigan, 12 in Ohio, 13 in Pennsylvania, 8 in Virginia, and 5 in Wisconsin—for a total of 64 additional electoral votes. Add those 64 votes to the 206 votes Romney won legitimately, and it adds up to exactly 270—the amount he needed to win the White House.

Emory University Professor Alan Abramowitz, in a Center for Politics report (UVA) found that if district-based EC plans had been in place nationwide for the 2012 elections, Mitt Romney would have defeated Barack Obama, 276 electoral votes to 262, despite losing the popular vote by 4%.

According to Dave Wasserman of the Cook Political Report, Republicans currently hold the majority of House seats in thirty states, compared to seventeen for Democrats, giving them a big advantage in any bid to rig the Electoral College. This is why Reince Priebus, RNC Chairman recently called the district-based EC plan "something that a lot of states that have been consistently blue that are fully controlled red ought to be looking at..." (Republican Leadership Conference in New Orleans. Jan. 10, 2013). In his plans, however, no heavily red state, like Texas or Louisiana, is being considered for such changes.

⁸ "Electoral College Chicanery," Neal Peirce, Washington Post, Feb. 10, 2013. Peirce, an electoral college scholar, is also the head of Citiwire.net of the Washington Post Writer's Group, and author of the book, *The People's President*.

⁹ According to NYU's Brennan Center, "Not only did redistricting make it easier for Republicans to keep control of Congress this election...it also may have made it easier for them to keep control over the next decade," Sundeep Iyer and Keesha Gaskins, Staff, Brennan Center on Brennan Center Website, Nov. 14, 2012

¹⁰ "GOP's Voter Suppression, 101: How Conservatives Are Conspiring to Disenfranchise Millions of Americans," Center for American Progress, April 4, 2012; also see "Voter ID Laws: Voter Integrity or Voter Suppression?" VOXXI, Sept. 19, 2012; and "Voting Rights Under Attack," Ruth Conniff, *The Progressive Magazine*, Feb. 10, 2013; and, "Modernize Registration and Require Early Voting Periods," *New York Times*, Feb. 11, 2013; and, "Why Are Conservatives Trying to Destroy the Voting Rights Act?" Ari Berman, *The Nation*, Feb. 5, 2013.

At least five of the nine swing-state new Voter ID laws are directly modeled on legislation formulated by ALEC, the American Legislative Exchange Council, funded by the Koch Brothers, and famous for conservative legislation like "stand your ground," "concealed weapon laws," "right to work," and "anti-immigration." A long list of legislative bills from ALEC can be found at the Center for Media and Democracy web site: www.prwatch.org including the one opposing the NPV. Click on "Bills Affecting Civil Rights and Our Democracy."

¹¹ "Florida Voting Lines Discouraged 201,000 Voters Statewide: Report," Scott Powers, David Damron, *Orlando Sentinel*, January 29, 2013. Analyzing data compiled by the *Orlando Sentinel*, Ohio State University professor Theodore Allen estimated that at least 201,000 voters likely gave up in frustration on Nov. 6. His preliminary conclusion was based on the *Sentinel's* analysis of voter patterns and precinct-closing times in Florida's 25 largest counties, home to 86 percent of the state's 11.9 million registered voters.

¹² "Sen. McConnell Claims Electing the President by Popular Vote is a "Genuine Threat to Our Country," Scott Keyes, Dec. 8, 2011. Statement made during a speech at the Heritage Foundation on Dec. 7, 2011.

