

Testimony of Sean Parnell

Senate Bill 432

Government Administration & Elections Committee

Connecticut General Assembly

February 25, 2013

Thank you for allowing me to testify today. I would like to bring to your attention one very serious problem with the National Popular Vote Interstate Compact (NPV), which is that Compact states may be unable to accurately determine the national popular vote total.

The compact specifies that each Compact member's chief election official shall determine the popular vote total for states that are not Compact members. But there is no reliable way to do this. NPV advocates suggest the popular vote totals can be taken from each state's "certificate of ascertainment," submitted by each state ahead of the meeting of their electors and which includes vote totals for each candidate.

But the certificate does not necessarily reflect the final and accurate number of votes cast for each candidate. For example, in the 2012 election the State of New York submitted its "certificate of ascertainment" on December 10, but did not certify its election results until December 31. In the certified results, President Obama gained more than 300,000 additional votes on top of the total given in the "certificate of ascertainment," and Governor Romney gained more than 80,000 additional votes.

Under our current system, because President Obama had clearly won New York's electoral votes, the 380,000 votes not included in the "certificate of ascertainment" filed on December 10 did not make a difference. But had NPV been in effect and the election been close, such as in 1960 or 2000, this vote counting delay could have been crucial.

Advocates of NPV are likely to say that New York's delay wouldn't happen in the event of a close national vote, because there would be considerable pressure on the state to complete its vote count as quickly as possible.

But this ignores that in the event of a close national election, there will not only be pressure to count those votes quickly, there will also be extensive litigation across the country to determine which votes should and should not be counted and exactly how those votes should be counted, and whether recounts should be conducted. This litigation is certain to delay the counting of these votes, just as happened in Florida in 2000.

In addition, while Compact states may work overtime to ensure all votes are counted by the deadline, there is little reason to believe that non-Compact states will do so. They may very well decide it is in their interest to frustrate NPV, and not finalize their vote counts until well after the deadline has come and gone.

It should also be noted that while the book *Every Vote Equal* identifies a state's "certificate of ascertainment" as the vote count totals to be used for non-Compact states, the text of the Compact does not specify a source to be used for non-Compact states vote totals. This potentially allows the national popular vote winner to be determined based on preliminary and incomplete vote counts that are inaccurate.

For these reasons, there is a substantial likelihood that the chief election officers in Compact states will be unable to accurately determine the number of votes cast nationally for each candidate. This would seem to suggest that Connecticut should stick with the time-tested Electoral College that has served the nation for more than 200 years and not invite a national electoral crisis.

I am happy to answer any questions you may have.