



TESTIMONY IN SUPPORT OF:
HB 5434, AN ACT ADOPTING THE INTERSTATE COMPACT TO ELECT THE
PRESIDENT OF THE UNITED STATES BY NATIONAL POPULAR VOTE

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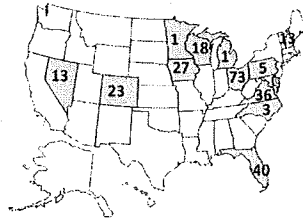
The National Popular Vote bill would guarantee the Presidency to the candidate who receives the most popular votes in all 50 states and the District of Columbia.

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

The bill is law in 11 states possessing 165 electoral votes, including small states (RI, VT, HI, DC), medium-sized states (MD, MA, WA), and large states (NJ, IL, NY, CA). The bill will take effect when enacted by states with 105 more electoral votes. The bill was recently approved by a bipartisan 40-16 vote in the Arizona House, 28-18 in the Oklahoma Senate, 37-21 in the Oregon House, and unanimously by legislative committees in Georgia and Missouri. A total of 2,794 state legislators have endorsed it.

The shortcomings of the current system stem from *state* winner-take-all laws (i.e., awarding all of a state's electoral votes to the candidate receiving the most popular votes in each *separate* state).

Because of winner-take-all, presidential candidates have no reason to solicit votes in states where the statewide outcome is a foregone conclusion. The 12 closely divided "battleground" states within 3% of the national outcome received 100% of the general-election campaign events in 2012 (shaded on map below). Obama and Romney campaigned together in only 8 states. Two-thirds of the events (176 of 253) were in just 4 states (Ohio, Florida, Virginia, and Iowa). Meanwhile, 38 states were totally ignored.



Battleground states receive 7% more presidentially controlled grants, twice as many disaster declarations, and numerous favorable actions from Presidents, as detailed in *Presidential Pork* (Hudak 2014), *Presidential Swing States: Why Only Ten Matter* (Hecht and Schultz 2015), *Going Red: The Two Million Voters Who Will Elect the Next President* (Morrisey 2016), *The Rise of the President's Permanent Campaign* (Doherty 2011), and *The Particularistic President* (Kriner and Reeves 2015).

State winner-take-all statutes have allowed candidates to win the Presidency without winning the most popular votes nationwide in four of our nation's 57 presidential elections—1 in 14 times. A shift of 214,393 votes in 2012 would have elected Mitt Romney despite President Obama's nationwide lead of almost 5,000,000 votes.

The U.S. Constitution (Article II, Section 1) gives states exclusive control over awarding their electoral votes: "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors...." Winner-take-all was not debated at the Constitutional Convention or mentioned in the *Federalist Papers*. It was not used by a majority of the states until the 11th presidential election (1828).

The National Popular Vote interstate compact will go into effect after it is enacted by states possessing a majority of the electoral votes—that is, enough to elect a President (270 of 538). Under the

compact, when the Electoral College meets in mid-December, the candidate who received the most popular votes in all 50 states (and DC) will receive all of the electoral votes of the enacting states.

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

Supporters include former Senators Jake Garn (R-UT), Birch Bayh (D-IN), and David Durenberger (R-MN); former Cong. John Anderson (R-IL, I), John Buchanan (R-AL), Tom Campbell (R-CA), Tom Downey (D-NY), Tom Tancredo (R-CO) and Bob Barr (R-GA); former Governors Howard Dean (D-VT) and Jim Edgar (R-IL); and former House Speaker Newt Gingrich (R-GA).

For additional information, see our book *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote* (downloadable for free at www.NationalPopularVote.com).

**The Only States That Received Any Attention in the 2012 General-Election Campaign
For President Were States Within 3% of the National Outcome**

The states are listed below in order of Romney's 2012 percentage—with the most Republican (red) states at the top.

The second column shows the total number of general-election campaign events for each state (out of a nationwide total of 253). As can be seen, the only states that received any campaign events and any significant ad money (third column) were the 12 states (shown in black in the middle of the table) where the outcome was between 45% and 51% Republican—that is, within 3 percentage points of Romney's nationwide percentage of 48%.

The fourth column shows donations from each state.

Romney Percent	Campaign events	TV ad spending	Donations	State	Romney (R)	Obama (D)	R-Margin	D-Margin	R-EV	D-EV
75%	0	\$0	\$11,230,092	Utah	740,600	251,813	488,787			6
71%	0	\$0	\$2,225,204	Wyoming	170,962	69,286	101,676			3
67%	0	\$1,300	\$7,129,393	Oklahoma	891,325	443,547	447,778			7
66%	0	\$290	\$3,586,883	Idaho	420,911	212,787	208,124			4
64%	0	\$100	\$1,985,666	WV	417,584	238,230	179,354			5
62%	0	\$0	\$3,296,533	Arkansas	647,744	394,409	253,335			6
62%	0	\$400	\$6,079,673	Kentucky	1,087,190	679,370	407,820			8
61%	0	\$80	\$6,736,196	Alabama	1,255,925	795,696	460,229			9
61%	0	\$0	\$4,796,947	Kansas	692,634	440,726	251,908			6
61%	0	\$0	\$3,128,691	Nebraska	475,064	302,081	172,983			5
60%	0	\$346,490	\$844,129	ND	188,320	124,966	63,354			3
60%	0	\$1,440	\$11,967,542	Tennessee	1,462,330	960,709	501,621			11
59%	0	\$3,990	\$7,510,687	Louisiana	1,152,262	809,141	343,121			8
59%	0	\$1,810	\$1,267,192	SD	210,610	145,039	65,571			3
58%	0	\$2,570	\$64,044,620	Texas	4,569,843	3,308,124	1,261,719			38
57%	0	\$0	\$2,153,869	Alaska	164,676	122,640	42,036			3
57%	0	\$0	\$2,295,005	Montana	267,928	201,839	66,089			3
56%	0	\$0	\$3,525,145	Mississippi	710,746	562,949	147,797			6
55%	0	\$40,350	\$14,631,204	Arizona	1,233,654	1,025,232	208,422			11
55%	0	\$300	\$8,210,564	Indiana	1,420,543	1,152,887	267,656			11
55%	0	\$127,560	\$11,512,255	Missouri	1,482,440	1,223,796	258,644			10
55%	0	\$710	\$6,686,788	SC	1,071,645	865,941	205,704			9
54%	0	\$6,020	\$21,906,923	Georgia	2,078,688	1,773,827	304,861			16
51%	3	\$80,000,000	\$18,658,894	NC	2,270,395	2,178,391	92,004			15
50%	40	\$175,776,780	\$56,863,167	Florida	4,162,341	4,235,965		73,624		29
48%	73	\$148,000,000	\$20,654,423	Ohio	2,661,407	2,827,621		166,214		18
48%	36	\$127,000,000	\$32,428,002	Virginia	1,822,522	1,971,820		149,298		13
47%	23	\$71,000,000	\$20,695,557	Colorado	1,185,050	1,322,998		137,948		9
47%	27	\$52,194,330	\$4,780,400	Iowa	730,617	822,544		91,927		6
47%	13	\$55,000,000	\$6,717,552	Nevada	463,567	531,373		67,806		6
47%	13	\$34,000,000	\$4,389,577	NH	329,918	369,561		39,643		4
47%	5	\$31,000,000	\$27,661,702	Pennsylvania	2,680,434	2,990,274		309,840		20
47%	18	\$40,000,000	\$10,011,235	Wisconsin	1,410,966	1,620,985		210,019		10
46%	1	\$0	\$11,112,922	Minnesota	1,320,225	1,546,167		225,942		10
45%	1	\$15,186,750	\$19,917,206	Michigan	2,115,256	2,564,569		449,313		16
45%	0	\$1,162,000	\$5,770,738	New Mexico	335,788	415,335		79,547		5
44%	0	\$460	\$10,463,528	Oregon	754,175	970,488		216,313		7
42%	0	\$195,610	\$3,452,126	Maine	292,276	401,306		109,030		4
42%	0	\$0	\$23,600,404	Washington	1,290,670	1,755,396		464,726		12
41%	0	\$330	\$18,644,901	Connecticut	634,892	905,083		270,191		7
41%	0	\$0	\$2,141,203	Delaware	165,484	242,584		77,100		3
41%	0	\$270	\$107,928,359	Illinois	2,135,216	3,019,512		884,296		20
41%	0	\$0	\$24,062,220	New Jersey	1,478,088	2,122,786		644,698		14
38%	0	\$320	\$137,804,736	California	4,839,958	7,854,285		3,014,327		55
38%	0	\$0	\$35,927,766	Mass	1,188,314	1,921,290		732,976		11
37%	0	\$1,120	\$25,579,933	Maryland	971,869	1,677,844		705,975		10
36%	0	\$55,600	\$76,743,682	New York	2,485,432	4,471,871		1,986,439		29
36%	0	\$0	\$2,226,963	Rhode Island	157,204	279,677		122,473		4
32%	0	\$0	\$2,732,572	Vermont	92,698	199,239		106,541		3
28%	0	\$0	\$3,217,863	Hawaii	121,015	306,658		185,643		4
7%	0	\$0	\$16,670,938	DC	21,381	267,070		245,689		3
48.0%	253	\$831,106,980	\$937,609,770	Total	60,930,782	65,897,727			206	332