



## State of Connecticut

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#### Testimony in Opposition of HB 5205, HB 5434, HB 5435, HB 5736, and SB 9: Acts Concerning the National Popular Vote Compact

Government Administration and Elections Committee  
February 22, 2017

Good Morning Co-Chairs Senator McLachlan, Senator Winfield, Representative Fox; Ranking Member Representative Devlin; and distinguished members of the Government Administration and Elections Committee. I am testifying in opposition of the five bills which would have Connecticut join the National Popular Vote Compact: HB 5205, HB 5434, HB 5435, HB 5736, and SB 9.

Prior to becoming a State Representative, I had the privilege of co-authoring an article with a former professor of mine, Dr. Patricia Crouse, and a fellow student, Michael French, at Western Connecticut State University. The article, *The National Popular Vote Compact: Undermining States' Rights*, was published in the 2014-2015 edition of *State and Local Government* by Sage Publications/CQ Press. It is attached here in my testimony for the committee to read. Dr. Crouse has also submitted her own testimony in opposition to these bills which I hope the committee will read.

The article explores why the National Popular Vote (NPV) Compact might seem like a fair proposal on the surface, but once given the chance to evaluate further, has several flaws. I will briefly explain some of those flaws.

The NPV Compact violates the interstate compact clause of the Constitution, and would therefore need congressional approval to be enacted. NPV recognizes that this is a potential issue for them, and has proposed to solve this by introducing a bill in Congress which grants

consent to the compact on behalf of the District of Columbia. They argue that this would then “imply consent” to the overall compact. However, this is a very flawed argument. The District of Columbia is not a state, and falls under different jurisdiction from the fifty states. Congress would have to give explicit consent to the states to join the NPV Compact rather than implicit consent to the District of Columbia.

The NPV Compact enhances federal supremacy in elections, despite elections typically being run entirely by the states. The biggest example of this is for possible recounts. If the president is to be elected by the national popular vote, then it would seem likely that federal recount standards would be made for states to follow. Currently states have their own rules on how they conduct recounts. By enacting federal recount standards, this would take away states’ power over elections. If federal recount standards are not created, or if they are not done so prior to a presidential election, then it is very likely that in a close presidential election, the losing candidate would look at areas throughout the country where the vote was very close, and petition multiple states to conduct a recount. Endless litigation could ensue from this, and could ultimately result in a nationwide recount under the NPV Compact’s plan.

Essentially, the NPV Compact seeks to circumvent the U.S. Constitution. The only legitimate way to elect the president based on the national popular vote would be to amend the Constitution and abolish the Electoral College. This, of course, would lead to a very passionate debate throughout the country. However, it would be a debate focused entirely on the only proper and constitutional way of addressing the Electoral College.

I thank the committee for reading my testimony, and encourage you to please read through the attached article, *The National Popular Vote Compact: Undermining States’ Rights*, in the hopes that you can understand some of the many flaws of the NPV Compact. I urge the committee to oppose HB 5205, HB 5434, HB 5435, HB 5736, and SB 9.