

Written Testimony of Andrea Torres Levien, New Haven  
February 22, 2017  
In Support of H.B. 5434, An Act Adopting The Interstate Compact To Elect The President Of  
The United States By National Popular Vote

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Members of the Government Administration and Elections Committee,

My name is Andrea Torres Levien, and I'm a third-year student at Yale Law School. I have lived in Connecticut for seven years and consider this state to be my second home. In fact, having moved here at the age of 18, Connecticut has been the locus of all of my political and voting activity, save the two years I lived in D.C. after college. That my second home, the birthplace of the National Popular Vote Interstate Compact, is considering passing this vital piece of legislation makes me happier than you can possibly know.

Election reform has been one of my primary interests for a long time. Before law school, I worked as a research fellow at FairVote, a nonpartisan election reform non-profit in D.C., and upon my graduation from law school, I plan to pursue a career as an election lawyer, fighting for the voting rights of citizens all over the U.S. I have researched and advocated for many reforms over the last five years, but National Popular Vote has always been the one I care about the most deeply for one reason: because of its potential, through state legislative action, to make my vote, and every other American's, equal. I have written about this reform extensively, including a 2013 article published in the academic journal *Presidential Studies Quarterly*. This article, and an additional report I completed the next year, will guide the rest of my testimony.

The article, *How the 2012 Presidential Election Has Strengthened the Movement for the National Popular Vote Plan*,<sup>1</sup> argued that the unequal allocation of campaign resources during the 2012 campaign derived from the winner-take-all system we currently use to select electors. The article went on to demonstrate that absent reform, this unequal allocation, and its damaging effects on democratic participation, is likely to remain. For example, in 2012, the Obama and Romney campaigns and their allied interest groups targeted 99.6% of their advertising money at voters in just 12 states. Connecticut was not one of them. Neither presidential candidate stepped foot in Connecticut that year to speak to its voters.<sup>2</sup> Connecticut voters were treated as an ATM, a funding source. Their voices and their 1.5 million votes were dispensable.

This inequality, which disempowers Connecticut voters each election cycle, likely comes as no surprise to you. I want to emphasize, however, the unlikelihood that such inequality will naturally self-correct within the current electoral structure. It is difficult to imagine that Connecticut will become a swing state deemed worthy of any candidate attention in the

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<sup>1</sup> Rob Richie & Andrea Levien, *How the 2012 Presidential Election Has Strengthened the Movement for the National Popular Vote Plan*, 43 *PRESIDENTIAL STUDIES Q.* 353 (2013), <http://onlinelibrary.wiley.com/doi/10.1111/psq.12027/epdf>.

<sup>2</sup> In a break from a long tradition of major party candidates ignoring Connecticut, Donald Trump held a single rally in Fairfield, CT on August 13, 2016, a gesture to demonstrate that he wanted to expand the battleground. However, he never returned to Connecticut, and Hillary Clinton won the state by 14 points.

foreseeable future. The features of a swing state are well-established: in order for a state to be considering a swing state by a presidential candidate, it usually needs to have voted within three percentage points of the national popular vote in the previous election. For example, if a state voted 56-44 for the Democrat in an election in which voters nationwide preferred the Democrat 53-47, that state is very likely to be considered a swing state in the next election, and to receive a disproportionate percentage of meaningful campaign attention. This is because states usually swing to the left or the right as a monolith. When the country as a whole swings towards the Democrat or the Republican, the average state also swings by the same amount towards that candidate.

By this definition, Connecticut hasn't been a swing state for 25 years, and while Connecticut is by no means the most Democratic state in the country, presidential candidates view its partisan composition as too far from the swing state ratio to warrant any significant amount of attention. This is true for the vast majority of states, and the number of states whose citizens are sidelined by the current winner-take-all system is growing.

We can easily track the undeniable ongoing marginalization of states. In 1960, 23 states controlling 319 electoral votes were competitive; compare that to 2016, when only 12 states, controlling 157 electoral votes (29% of the Electoral College), were. It is true that California and New York were once considered swing states. But that was thirty years ago. Since then, the battleground has shrunk, and safe state have gone on to favor one of the two major parties more than more. This doesn't mean swing voters don't live in these states—of course they do. However, the swing of their vote doesn't matter when the vast majority of their neighbors prefer one of the two major parties.

This shrinking battleground has serious consequences for the voters in safe states like Connecticut. On average, safe states receive fewer federal grants than swing states.<sup>3</sup> They suffer from lower voter turnout. And most importantly, the issues that matter to safe state voters earn a backseat to the issues that matter to swing state voters where it matters the most: presidential candidates take their bias for swing-state issues with them when they enter the Oval Office. Switching to a popular vote will level the playing field and allow Connecticut residents to experience a political clout they've been missing for the last 25 years.

During my time advocating for this reform, I've heard concern that the winner-take-all Electoral College helps small states and rural voters, and that without our current system, the votes of big city residents would overwhelm votes from small states. I have also heard worry that a national popular vote system would disadvantage Republicans, whose votes are not as geographically concentrated as Democrats'. An examination of voting and population data can put these concerns to rest, as I demonstrated in my 2014 report *The Role of Cities in National Popular Vote Elections*.<sup>4</sup>

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<sup>3</sup> JOHN HUDAK, PRESIDENTIAL PORK: WHITE HOUSE INFLUENCE OVER THE DISTRIBUTION OF FEDERAL GRANTS (2014).

<sup>4</sup> Andrea Levien & Rob Richie, *The Role of Cities in National Popular Vote Elections*, FAIRVOTE.ORG (Feb. 12, 2014), <http://www.fairvote.org/the-role-of-cities-in-national-popular-vote-elections->.

As practical matter, small states voters are not advantaged under the current winner-take-all system, even though they hold more electoral votes per capita than other states, for one important reason: very few small states are actually competitive swing states. Indeed, of the 22 states smaller than Connecticut, only three (New Hampshire, Iowa, and Nevada) are swing states, which means that in the last five presidential elections, the vast majority of small states have served as flyovers for presidential campaigns, their voters receiving far less attention than they would under a national popular vote system.

A look at voting patters in cities also shows that rather than advantaging one party over another, a national popular vote system would simply expand the battleground and force candidates to campaign in every state. First, there simply aren't enough voters in big cities to overwhelm the votes of everyone else. There are ten cities in this country with populations over one million people, and their residents make up just 8% of the total U.S. population. So even though those large cities lean heavily Democratic, there simply aren't enough voters in those cities to overwhelm the votes of the other 92% of Americans. Indeed, only 16.5% of voters live in our nation's 100 largest cities, comparable to the 17.4% who live in truly rural areas, outside of major cities, their suburbs, and their exurbs. In 2004, a fairly close election, 60% of these rural voters preferred George W. Bush, and 63% of urban voters preferred John Kerry. In a national popular vote election, urban and rural voters would be evenly matched.

Second, when we look at the suburbs of major cities, which include people influenced by urban campaign stops and television ads, we will find that the partisan composition of cities and suburbs is evenly mixed. Looking at our 100 largest metropolitan statistical areas, which encompass our largest cities and their suburbs and where 65% of the country lives, voters preferred John Kerry by only 2.5 percentage points in 2004.

Third, we know that presidential candidates will not ignore non-urban voters, because campaigning in major cities simply would not yield a sufficient increase in votes to counteract the affects of ignoring everyone else. Increasing votes by more than 5% through campaign attention is difficult. Indeed, even though his campaign orchestrated a robust get-out-the-vote effort in the swing state city of Cleveland, Barack Obama was only able to beat John Kerry's vote total there by 3.6% in 2008. If we generously assumed that, with a massive get-out-the-vote effort and plenty of television advertising and campaign strops, Barack Obama was able to increase his vote share in the U.S.'s 21 metro areas with populations of over 2.5 million by 5%, he would have needed his vote share in the rest of the country to remain within 0.87 percentage points of what he actually earned in 2008 to ensure that he maintained his 7.4 point lead over John McCain. Working that hard to increase his vote share in those cities while ignoring the rest of the country could have cost him a large number of votes, making such a strategy ill-advised.

In summary, the National Popular Vote Interstate Compact is a reform that will benefit all Connecticut residents, urban, rural, Democrat, or Republican. We all suffer from a system in which our voices are perpetually ignored and our votes aren't valued. It is within your power, as members of our legislature, to bring us closer to the ideal of one person, one vote. I urge you to use it.