

Testimony of Marta Daniels in Support of H.B. 5421, the National Popular Vote Interstate Compact Bill, 2018

Senator Flexer, Senator McLachlan, Representative Fox, Representative Devlin, and the Distinguished Members of the GAE Committee: Thank you for hearing my testimony.

My name is Marta Daniels from Chester, CT, and I speak in favor of House Bill 5421, to have Connecticut join the NPV Interstate Compact, a nonpartisan solution to make everyone's vote for President matter—regardless of whether they live in blue, red or battleground states.

This is my fifth testimony since 2010. **I have six points to make today** but will summarize them here and leave their fuller explanation in my digital submission to the GAE Committee website.

1. The Electoral College system has made the election of our Presidents a wholly undemocratic electoral CrapShoot. Since 2000, it has delivered the popular vote loser to the Presidency in two out of the last five elections (a 41% fail rate), undermining confidence in our elections and demoralizing more than half the nation's voters. Under such circumstances, the losing popular vote candidate cannot govern with the "consent of the governed." Worse, these two dissonant elections came very close to being three, and even four during this short 16-year period. Sadly, the electoral disconnect between the popular vote and EC vote is projected to occur more frequently in future close elections, as partisan campaigns increasingly result in razor thin (3 pt.) margins in a few swing states. The National Popular Vote Interstate Compact gives us the best chance to prevent this.

2. With Winner-Take-All (WTA) rules operating in 48 states, the Electoral College disenfranchises voters in at least 38 states, because candidates take the "safe" states for granted and don't bother to campaign in them at all. 94% of all campaign events occurred in only 12 states; 75% in only 6 states. In addition, **WTA** nullifies the votes of large blocks of each state's losing minority voters in every Presidential election. Republican voters in Connecticut haven't mattered for 30 years—since 1988 when George HW Bush won. If the 600K voters for Trump in 2016 had stayed home, it would have made no difference to the 306 Electoral vote out-come for Trump. How can we justify such an undemocratic and exclusionary system? ***This is not a partisan issue, it's a fairness issue.***

3. Forcing Presidential campaigns to focus exclusively on 12 swing states, the Electoral College sets up an artificial two-tiered system of first and second class states, contributing to the disillusion and disaffection of voters: less than 40% of all American voters voted in the last election. Why would a vibrant, inclusive democracy want to continue such a dysfunctional system when an elegant, simple, constitutional and compatible system of electing our President is available to us?

4. With its throwback nod to giving small states more power, the Electoral College is actually wildly unequal in representing citizen votes fairly across all states. Real small-state power is non-existent, and was neutered long ago by the **WTA** rules in a "swing-state-only" Presidential campaign regimen. In fact, it's large states who suffer disproportionately from the old small state EC empowerment.

Wyoming with its 600,000 population has 3 electoral votes, while California, with its 39 million people has only 55. Though 70x the population, California gets only 18x the EC vote. By population, it should have 229 Electoral College votes. How is this fair? Why should this go unchallenged?

5. The Electoral College makes us much more vulnerable to outside interference, and is a national security threat. Special Prosecutor Robert Mueller’s federal court filing, in February, brought the indictment of 13 Russian hackers for influencing the Presidential campaign for Trump. It revealed: “The defendants and their co-conspirators learned...that they should focus their activities on ‘purple states like Colorado, Virginia, Florida,” and of course, Pennsylvania, Michigan and Wisconsin where we learned a 40K vote difference could have swung the states—and the EC—another way.

6. Finally, the Electoral College structure is a distorting mechanism that clouds our judgement about boundaries. With the NPV, all CT voters will count at all times, by enfranchising the principle of one person, one vote that counts equally everywhere, every time. This is possible because the NPV makes all 50 states a single inclusive geographic boundary, counting all votes equally. We must eliminate the idea that there is such a thing as the "Connecticut vote" which is what the **WTA** Electoral College imposes upon us and has for over 229 years. Just as town identity plays no real role in state-wide elections, state identity would play no role in a national election under a NPV regimen. Everyone’s vote would matter.

In the end, it comes down to this question: if the Electoral College didn’t exist, would anybody in this building or in this country propose one. Would anyone demand the indirect, un-democratic method of choosing the candidate for the single most important office in the world?? No.

Changing the way CT’s electoral college votes are allotted is legal and Constitutional: Connecticut’s rules for awarding its electors over the 229 years of the EC have changed three times – from “vote your conscience” in 1787 to “winner take all” in 1888. The **Constitution, Section 2, Article 1**, gives to state legislatures sole power to determine how their state’s electors will be allocated. We’ve changed this in the past, and we can easily change it again without abolishing the Electoral College and without doing harm to the electoral process. In fact, the opposite will be true.

Tying the electoral college’s outcome to a legal, constitutional national popular vote total would destroy the distorting concept of “swing states,” and enfranchise Republican voters in blue states alongside Democratic voters in red states. It would nullify the partisan disenfranchisement of the Winner-Take-All rule, and reduce the impact of gerrymandered districts and voter suppression regimens now infecting our body politic. It would make every vote count meaningfully and equally.

Adopting the *National Popular Vote* bill for CT won’t cost Connecticut taxpayers a penny and could prevent another unfair and disastrous Presidential election in 2020, while enfranchising all of Connecticut’s voters. Please do it this year!

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March 19, 2018

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Written Testimony of Marta Daniels in Support of H.B. 5421, the National Popular Vote Interstate Compact Bill, 2018

My name is Marta Daniels from Chester, CT, and I am writing in favor of House Bill 5421, to have Connecticut join the NPV Interstate Compact, a nonpartisan solution to make everyone's vote for president matter—regardless of whether they live in blue, red or battleground states. This is my fifth time giving written testimony since 2010.

1. The Electoral College Makes the Election for President an Electoral Crap Shoot

In two of the last five elections, since 2000, the Electoral College has rewarded the Republican popular vote loser with the Presidency, and it may have been three out of five had the Red State plan succeeded to award EC electors to the winner of heavily gerrymandered congressional districts in red and purple states. Romney would have become President.

It might even have been four out of five times since 2000, because a swing of just 50K votes in Ohio in 2004, would have installed Democrat John Kerry in the White House over George Bush. (Kerry lost the PV by the same margin as GOP's Donald Trump did to Dem Hillary Clinton in 2016).

My point is that the Electoral College system makes election of our President a role of the dice, which will become more so as the partisan divide pools in a few swing states, and gets magnified there each time we decide our President. Clearly, as voters continue to be packed, cracked and wasted by gerrymandering and voter suppression tactics, losers of the popular vote could increasingly become President by razor thin Electoral College vote margins.

According to Princeton University Neuroscience Professor and founder of the Princeton Election Consortium, **Samuel Wang**, in close future Presidential elections—those decided by 3%-age points or less—there is a *one in three* chance—33%—that the popular vote winner will lose the Electoral College vote count. Over the last five elections however, the 2 out of 5 failures have already exceeded Sam Wang's 33%, and the percentage of failure stands at a 41%. This can be changed.

Three out of four Connecticut voters—including a majority of Republicans—support a plan which would ensure the winner of the national popular vote becomes president in every election. That was the main finding of a Feb. 21, 2018 survey report of 1,202 voters statewide. It was conducted by national pollster **Andrew Claster**, and commissioned by **Making Every Vote Count**, a nonpartisan group. The [poll found](#) that the NPV plan had the backing of 93% of Democrats, 55% of Republicans, and 72% of Independents. And strong majorities supported the plan in all CT counties.

2. The Electoral College Disenfranchises Voters in CT, especially Republicans. It is also inherently unequal in voting power across all states.

Because of a **Winner Take All** (WTA) system in 48 states, the President is decided by only a handful of **swing states**. The clearly blue and red states are taken for granted and get no attention at all. In 2016, 94% of all Campaign events occurred in 12 states, and 75% in only six states. If you live in Connecticut, or any one of 38 other “safe” states, your vote for President does not count in campaigning. Of the 400 campaign events in 2016, only one was held in Connecticut.

The question raised around NPV is always: what if Connecticut voted one way (blue) and the popular vote went the other (red)? Our EC would vote against our own popular will? Yes, but only if you see CT votes as separate from all others. When looked at from a nation-wide perspective, losers would never feel their vote hadn’t mattered.

Consider what could be more wrong and unfair than in the two recent elections where Connecticut’s vote *and* the national popular vote went to the *same candidate* (who received several million more votes) but that candidate was *still denied the presidency* because of the Electoral College! **Every Connecticut voter lost their say completely** in these two elections. With elections becoming closer—within 3 points—total disenfranchisement will only increase.

More importantly, in Connecticut, in every Presidential election, the Winner-Take-All Electoral College Disenfranchises Republican Voters the Most. Under **Winner-Take-All** (WTA) rules, up to half of all CT voters are *always disenfranchised in every Presidential election*, and have no say. In fact, Republican votes in CT for President haven’t mattered for 30 years—since George H.W. Bush won the state in 1988! In the 2016 election, because of WTA, the 673,215 CT Republican voters who cast ballots for Trump (41% of all CT votes) made no difference to the outcome. Those Republicans could have stayed home, and Trump would have still won the same 306 electoral votes. This is inherently unfair to these voters. [In fact, lawsuits have been filed by distinguished legal experts to declare Winner-Take-All rules Unconstitutional*]

Small States Disadvantaged Not: It is argued that small states like Connecticut would have less clout in Presidential elections. The outsized power that small states originally had in the Electoral College has long been neutered by **Winner Take All**. The question itself contains a myth. Far from being “protected,” or having “greater power,” the small states are the most disadvantaged and weakest group of states in the Electoral College under the current **WTA** system. With the exception of New Hampshire (the sole battleground state among the 13 smallest states), the 13 smallest states receive no Campaign attention because they are reliably Democratic or Republican in presidential races. Consequently, presidential candidates have nothing to lose by ignoring, and nothing to gain by soliciting votes in the small states. In the current system, small states are not ignored because they are small, but because they are not closely divided battleground states: their (outsized) electoral votes *do not matter anymore*, nor do the electoral votes of 70-80% of *all states!* Every state would matter in every presidential election under the National Popular Vote.

[***NOTE:**] Super lawyer David Boies, best known for representing Al Gore in *Bush v. Gore*, is back in the headlines. He, joined by a consortium of high-powered law firms and well-known law professors, has **filed** four lawsuits claiming that the Electoral College's winner-take-all system violates the Constitution, and should be declared illegal. What Boies, et al., are focusing upon is the process by which states choose electors. They believe that the winner-take-all system in use in 48 states (Maine and Nebraska being the exceptions) violates the First Amendment (it curtails the right of political expression), the Fourteenth Amendment (it abrogates the principle of "one person, one vote"), and the Civil Rights Act of 1964 (it discriminates against minority voters).

Popular Support: Support for a National Popular Vote has been strong in every small state surveyed in polls among Republicans, Democrats, and Independent voters, as well as every demographic group. Among the 13 lowest population states, the National Popular Vote bill has passed in 9 state legislative chambers, and been enacted by 4 jurisdictions (3 states and DC).

The fact is, the Electoral College Makes All States Inherently Unequal, with Large States Especially Disadvantaged: Under the present system, a state like Wyoming gets 3 EC votes (2 Senators + 1 CD) with a population of less than 600,000, while California gets 55 EC votes with a population of 39 million. Thus, while California has a population 70X that of Wyoming, it only gets 18X the Electoral College votes. But if California had equal *population* representation in the EC, it would get 229 electoral votes! Overall, it means that the votes of millions of people in larger states count for far less than those in smaller states. That's because it takes 3.5 Californian votes to equal 1 vote in Wyoming; 3.5 Texan votes to equal 1 vote in Vermont. Louisiana voters count more than Florida voters; Idaho voters count more than Washington voters; Rhode Island and Connecticut voters count more than New York voters. In the 19th century, this might have made sense, but this kind of inequality is terribly wrong and unfair in 2018.

3. The Electoral College System Makes Us More Vulnerable to Outside Interference and is a National Security Threat

Because elections are decided in only a handful of swing states, those swing states are now more vulnerable to outside tampering and voter manipulation. The February 2018 indictments of 13 Russian hackers that Robert Mueller's investigation revealed confirm that even Russian hackers knew where to find the people who elect America's president: the swing states. In Mueller's [federal court filing](#), the indictment says: "The defendants and their co-conspirators learned...that they should focus their activities on 'purple states like Colorado, Virginia, Florida,' and of course, Pennsylvania, Michigan and Wisconsin where a 40K vote difference could have swung the states another way, and thus the Presidency.

As Ambassador **James Glassman**, under Secretary of State for Diplomacy in the George Bush Administration, and a high-ranking Republican, wrote in the *CT Mirror* recently: "It's still unclear whether their (Russian) conspiracy affected the outcome of the 2016 election, but it certainly *could* have. After all, with a shift of just 40,000 votes in three (purple) states, Donald Trump would have lost." (See "A fairer, safer way to elect our presidents," *CT Mirror*, Feb 22, 2018).

And according to a major research piece by national security experts **Ben Haas** and **Matt Olsen** in a recent [Politico](#) magazine article, if we elected the president by popular vote, "It would be more difficult for a foreign entity to sway many millions of voters scattered across the country...And it would be more difficult to tamper with voting systems on a nationwide basis than to hack into a handful of databases in crucial swing districts."

Ambassador Glassman concluded his *CT Mirror* article: "Turning every state purple and allowing every vote to count equally will help restore confidence in American democracy. It's the right and fair thing to do, and, in these times, it's the safe thing to do as well."

4. The Electoral College System Has Caused Electoral Dissonance and Distorts Our Objectivity and Our Thinking

Once we move away from the limitations that the Electoral College imposes on our thinking about elections and boundaries, we will actually have a better understanding of the idea that "every vote counts." The Electoral College is a distorting mechanism that clouds our judgement and prevents us from cutting our chains from an undemocratic process.

With the NPV, all CT voters will count at all times, by enfranchising the principle of one person, one vote that counts equally everywhere, every time. This is possible because the NPV makes all 50 states a single inclusive geographic boundary, counting all votes equally.

Just as town identity plays no real role in state-wide elections, state identity would play no role in a national election under a NPV regimen. If Dannel Malloy were to lose the race for governor, but my town of Chester overwhelmingly voted for him, would I feel as if our vote hadn't counted in the election? No. Instead, I'd feel that while we lost, our votes definitely "counted" in contributing to the final outcome (and in fact without our votes, the loss might have been greater). This would be true for thinking about our votes for US Senator, or other state-wide elections.

We must eliminate the idea that there is such a thing as the "Connecticut vote" which is what the **WTA** Electoral College imposes upon us and has for over 229 years. Individuals cast votes within a geographic boundary; the boundaries for electing a President are the entire country. That's how they should be reflected in vote counts, as they do in every other election for office. Elections have winners or losers, based on direct voting and majority vote – where all votes matter.

5. The Electoral College System Is Obsolete but Flexible, and Can Be Reformed

The Electoral College has many vestigial elements and needs to get rid of one more. We have eliminated many original components of the Electoral College system such as counting black people as 3/5s of a voter for population-padding in a nod to southern states; or, the rejection of women as voters at all; or, the rejection of white male, land-owning citizens as the only qualified voters who could vote; and of course, since 1888, the total elimination of the original conception of EC electors "voting" their conscience. *We need to get rid of Winner Take All.* It is time to reform the Electoral College completely by making it a fairer, more democratic and more representative entity. We don't need a Constitutional amendment to eliminate the College itself, * we simply need to use the same mechanism we've used for 229 years to change how electors apply their votes. Eliminate Winner-Take-All in CT and substitute Winner of the National Popular Vote gets Connecticut's electors. Since state legislatures were given this sole responsibility to decide, awarding Connecticut's electors to the winner of the NPV would be legal, constitutional and fair. Our CT Legislature has changed its method of awarding electoral college votes three times since 1787, and we can do it again.

[* **Note**]: Abolishing the Electoral College has been the subject of 595 amendment efforts--more than any other part of the Constitution. We are not going to get a national popular vote by constitutional amendment and we don't need one. The NPV Interstate Compact offers a simple, elegant and equitable solution.]

6. The Electoral College Challenges Us All to a Test: Would Anyone Advocate for One Now if it Didn't Exist?? And If So, Why?

Shamefully, we are the only democracy in the world that uses an 18th C Electoral College system originally designed to appease slave owners and distrustful leaders. Why are we stuck in historical obsolescence, debilitated by fear and inertia, and looking for non-existent problems for an elegant and constitutional answer to mass disenfranchisement? **Question To my Reps:** Would you want Connecticut voters to elect you using Electoral College rules, where one part of your district would have far greater power than another? Would you agree that a few of your towns be swing towns that could dominate the outcome of your election?

That you can't trust the people to pick the President is a principle that has proven itself to be obsolete and one that is inherently undemocratic.

--Calif. State Supreme Court Justice, Lisa Foster.

Or as Professor **Richard Tedlow**, emeritus Professor of History at Harvard has written:

In order to achieve the goal so beautifully articulated by Lincoln— "a government of the people, by the people, for the people,"—we have not only to possess the right to vote. We must be able to cast a meaningful vote. The greatest obstacle to casting a meaningful vote for the Presidency is the Presidential selection process existing today.

Tying the electoral college's outcome to a legal, constitutional national popular vote total would destroy the distorting concept of "swing states," and enfranchise Republican voters in blue states alongside Democratic voters in red states. It would nullify the partisan disenfranchisement of the Winner-Take-All rule, and reduce the impact of gerrymandered districts and voter suppression regimens now infecting our body politic. It would make every vote count *meaningfully* and equally.

What are we waiting for?

I urge the CT State Legislature to adopt an effective anti-biotic for a sick and shameful electoral process, and vote for the *National Popular Vote* bill. It won't cost Connecticut taxpayers a penny and it's the best mechanism that can prevent another unfair and disastrous Presidential election in 2020.

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