

Testimony on the National Popular Vote Bill (HB 5421) for GAE Committee

March 12, 2018

The National Popular Vote bill (HB5421) would guarantee the Presidency to the candidate who receives the most popular votes in all 50 states and the District of Columbia.

The bill would ensure that every vote will be equal throughout the U.S. and that *every* vote, in *every* state, will matter in *every* presidential election.

Since 2006, the National Popular Vote bill has been enacted into law in 11 states possessing 165 electoral votes, including 4 small states (Rhode Island, Vermont, Hawaii, and the District of Columbia), 3 medium-sized states (Maryland, Massachusetts, and Washington state), and 4 large states (New Jersey, Illinois, New York, and California). The bill will take effect when enacted by states with 105 more electoral votes. The bill has passed at least one chamber in 12 additional states with 96 electoral votes, including recent approvals by the New Mexico Senate, Oregon House, Arizona House, Oklahoma Senate, and unanimous committee votes in Georgia and Missouri. A total of 3,101 state legislators from all 50 states have endorsed it.

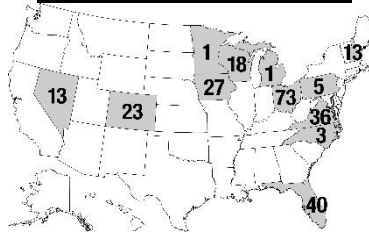
The shortcomings of the current system of electing the President stem from “winner-take-all” laws that have been enacted at the state level in 48 states, including Connecticut. These laws award 100% of a state’s electoral votes to the candidate receiving the most popular votes in each state.

Because of these state winner-take-all laws, five of our 45 Presidents have come into office without having won the most popular votes nationwide, including two of the last three Presidents.

Moreover, candidates have no reason to campaign in, advertise in, or pay attention to voters in states (such as Connecticut) where they are safely ahead or hopelessly behind.

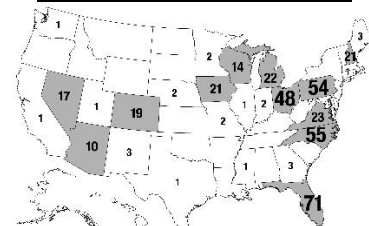
In 2012, 100% of the general-election campaign events and virtually all expenditures were concentrated in the 12 closely divided “battleground” states where Romney’s level of support was 45%–51%. Two-thirds of the events (176 of 253) were concentrated in just 4 states (Ohio, Florida, Virginia, and Iowa). Thirty-eight states were ignored, including 12 of the 13 smallest states and almost all rural, Western, Southern, and New England states (including Connecticut).

2012 Campaign Events



In 2016, almost all campaign events (94%) were in the 12 states where Trump’s support was 43%–51%. Two-thirds of the events (273 of 399) were in just 6 states (Ohio, Florida, Virginia, North Carolina, Pennsylvania, and Michigan).

2016 Campaign Events



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

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....”

The winner-take-all method of awarding electoral votes was not debated at the Constitutional Convention or mentioned in the *Federalist Papers*—much less part of the U.S. Constitution. It is purely state law. It was used by only three states in the nation’s first presidential election in 1789, and all three repealed it by 1800. It not used by a majority of the states until the 11th presidential election (1828) — long after the Founding Fathers were dead.

The National Popular Vote interstate compact will go into effect after being enacted by states possessing a majority of the electoral votes—that is, enough to elect a President (270 of 538). When the compact is in effect, all the compacting states will appoint presidential electors associated with the candidate who received the most popular votes in all 50 states and DC. Because the compacting states possess at least 270 electors, the President will be the candidate who received the most popular votes in all 50 states and DC.

The National Popular Vote bill is a constitutionally-conservative, state-based approach to remedying a significant defect in our current method of electing the President of the United States. The National Popular Vote bill retains the Electoral College and preserves state control of elections.

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).

Dr. John R. Koza, Chair
National Popular Vote
Phone: 650-941-0336
Email: koza@NationalPopularVote.com