

Testimony in Support of H.B. 5421, An Act Adopting the Interstate Compact to Elect the President of the United States by National Popular Vote

Senator Flexer, Senator McLachlan, Representative Fox, Representative Devlin, and distinguished members of this committee, my name is Jerald Lentini. I am an elections attorney and a political strategist from Manchester, and I am here today to urge you to support H.B. 5421, which would join our state in the National Popular Vote interstate compact. In short, the NPV is a more democratic and egalitarian mechanism for awarding electors. It is sensible, intuitive, constitutional, and promotes the idea that the president should have popular legitimacy in addition to institutional legitimacy.

There are over a half-million elected officials in the United States. Of those, only one—the President of the United States—is elected through a system where voters lack a uniform voting power. The principle of “one person, one vote” is consistent for every other office except the one office that every American voter has a stake in. Making every vote count equally, which NPV does, is a welcome step. As a voter in Connecticut, I would rather my vote for president be counted equally with every other voter, than have it count only within our limited political community. The present system allows presidential campaigns to ignore our state entirely, which they do. My voice doesn’t matter at all if it’s confined to our borders.

Our interests as a state are still protected under NPV. Our citizens still take our state’s peculiar interests into account when voting. Our state will still be administering our elections. In the event that no candidate receives a majority of electoral votes (which is still possible under NPV, since not all electors are bound to vote for a particular candidate), our state’s congressional delegation will be there to defend our interests should the choice of a president fall to Congress.

Some believe that NPV would put control of presidential elections in the hands of only the most populous states. This is incorrect for three reasons. First, under NPV, voting blocs such as regions or constituency groups, not residents of any particular state, would be most important for campaigns. Second, even if every voter in the five most populous states—California, Texas, Florida, New York, and Pennsylvania—all supported the exact same candidate, that candidate would still fall short of a majority of votes. Third, as a practical matter, presidential campaigns want to get the most votes for their money, so they would likely pursue voters in affordable media markets such as Hartford, instead of more expensive ones like New York and Los Angeles. For a presidential campaign under NPV, it’s more cost-effective to look to small and mid-sized communities instead of banking everything on major urban centers.

Lastly, NPV does not violate the Constitution’s prohibition on interstate compacts. The Supreme Court settled this back in the 19th Century, in the case of *Virginia v. Tennessee*. The Court held that the Compacts Clause only applied to arrangements that may “encroach upon or interfere with the just supremacy of the United States.” Since this legislature is explicitly empowered in the very first section of the Constitution to choose the manner in which our Electors shall be

appointed, NPV does not encroach on federal power, and thus does not trigger the Compact Clause.

We have changed how our elections are conducted countless times throughout our history, and almost always to increase their democratic nature. Let's do it again by passing NPV.

Thank you, and I would be happy to take your questions.