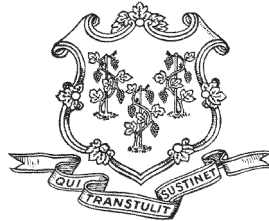


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Committee on Government Administration and Elections Public Hearing
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**TESTIMONY IN SUPPORT OF SENATE BILL 408, AN ACT ENTERING
CONNECTICUT INTO THE NATIONAL POPULAR VOTE COMPACT, AND HOUSE
BILL 5421, AN ACT ADOPTING THE INTERSTATE COMPACT TO ELECT THE
PRESIDENT OF THE UNITED STATES BY NATIONAL POPULAR VOTE**

Good morning Senator Flexer, Representative Fox, Senator McLachlan and distinguished members of the Government Administration and Elections Committee. Thank you for the opportunity to testify this morning in strong support of Senate Bill 408, An Act Entering Connecticut into the National Popular Vote Compact, and House Bill 5421, An Act Adopting the Interstate Compact to Elect the President of the United States by National Popular Vote. The effect of each of these bills would be to enter Connecticut into the Agreement Among the States to Elect the President by National Popular Vote (the "National Popular Vote Interstate Compact"), becoming the 11th state to become a member.

The purpose of the National Popular Vote Interstate Compact is simple: its enactment would guarantee the Presidency to the candidate who receives the most popular votes nationally. Under the National Popular Vote Interstate Compact, once it goes into effect the states therein choose to allocate their electoral votes to the candidate who garners the most popular votes in all 50 states and the District of Columbia. The compact takes effect only when enough states sign on to guarantee that the national popular vote winner wins the presidency. This means that states with a combined total of 270 electoral votes - a majority of the Electoral College - must join the compact for it to take effect.

Let me give you some context which I believe makes a clear and compelling case for passage of this important legislation:

It has broad and diverse support

To date, the bill has been enacted by 10 states and the District of Columbia, possessing in the aggregate 165 electoral votes, which represent 61% of the 270 electoral votes necessary to activate the compact. Connecticut's neighboring states - New York, Massachusetts, and Rhode

Island - have passed this bill. The states which enacted this legislation are physically, politically and geographically diverse, including four small jurisdictions, three medium size states, and four large states. The bill has passed, often with broad bi-partisan support, more than 30 legislative chambers in 24 states.

A plethora of polls show nationally more than 70% support for a nationwide popular vote for President. In Connecticut, 2 recent polls showed 73 and 74 percent support respectively. Of particular significance is the broad and diverse support it received across an individual's political affiliation - 80% among Democrats, 67% among Republicans, and 71% among others.

The U.S. Constitution, historical context, and how it would operate

The state-by-state winner-take-all method of awarding electoral votes is not set out in the United States Constitution. It was not debated at the Constitutional Convention, nor was it discussed in the Federalist Papers. The Founding Fathers did not design the system of allocating electoral votes currently used in most states. Rather, they established the Electoral College without any instructions on how states should use it. The winner-take-all rule was used by only three states in the nation's first presidential election in 1789 (all of which abandoned it by 1800).

A study of the evolution of the Electoral College provides a particularly telling story. During the 1787 Constitutional Convention, the delegates noted that they "*distrusted the passions of the people*" and particularly distrusted the ability of average voters to choose a president in a national election. The result was the creation of the Electoral College, a system that at that time gave each state a number of electors based on its number of members in Congress. Because there were no political parties back then, it was assumed that electors would use their best judgment to choose a president. The concept was that the electors would filter the "*passions of the people*" and provide a check on the public in case they make a poor choice for president.

In his seminal Federalist 68, Alexander Hamilton suggested that the electors making up the Electoral College would be, "*men most capable of analyzing the qualities adapted to the station and acting under circumstances favorable to deliberation.*" He believed that such men would be "*most likely to have the information and discernment*" to make a good choice, and avoid the election of anyone "*not in an eminent degree endowed with the requisite qualifications*". In sum, he felt the electors were necessary to stop a candidate with, "*talents for low intrigue, and the little arts of popularity*" from becoming President.

I fully reject the notion that the citizens of America, in the year 2018, cannot be trusted to directly elect their President. Instead, I believe that the direct election of the president by popular vote – that the winner of the presidency is the candidate who gets the most votes in the election - is now critical to the essence of our democracy. It must be effectuated as quickly as possible.

Even if Hamilton's original notion was legitimate, the knowledge base and sophistication of the "average" citizen has changed greatly from Hamilton's times. It is a quaint and outdated notion to assume that ordinary citizens are incapable of making such decisions. It is a mistake to assume that our nation's relative stability is founded on our current Electoral College rules – just as our

stability did not depend on indirect election of Senators or denial of women's suffrage prior to our amending the Constitution just a century ago. Just as we made a wise decision to allow for direct election of Senators over 100 years ago, the time has now come to do the same for the presidential election.

The individual states have the power to affect this change. Under the U.S. Constitution, states have “exclusive” and “plenary” power to choose the method of awarding their electoral votes. The U.S. Constitution Article II, Section 1 gives the states exclusive control over awarding their electoral votes where it states: “Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors....”

To be clear, the National Popular Vote interstate compact would not take effect until enacted by states possessing a majority of the electoral votes - that is, enough to elect a President (270 of 538). Under the compact, the national popular vote winner would be the candidate who received the most popular votes from all 50 states (and DC) on Election Day.

The National Popular Vote bill preserves the Electoral College and state control of elections. Under the compact, when the Electoral College meets in mid-December, the national popular vote winner would receive all of the electoral votes of the enacting states.

The practical and fiscal considerations

Above and beyond the purely undemocratic nature of our current Electoral College system, there are also very important practical considerations that call for effectuation of a national popular vote system as quickly as possible. First, because of state winner-take-all statutes, presidential candidates have no reason to pay attention to the issues of concern to voters in states where the outcome is a foregone conclusion. As a result, the vast majority of states and the vast majority of voters are ignored because candidates campaign only in a handful of closely divided "battleground" states. Here in Connecticut, save a few visits associated with high dollar fundraising events, we are generally relegated to “spectator” status in presidential campaigns. But it's not just us – the vast majority of states in America are essentially relegated to “spectator status” in every presidential election.

Here are some telling statistics from the last election:

- Over half of the campaign events (57% of the 399 events) were held in just 4 states (Florida, North Carolina, Pennsylvania, and Ohio)
- Virtually all of the campaign events (94%) were in just 12 states, containing only 30% of the country's population

These winner-take-all laws are the driving reason why the vast majority of voters and states are not in play in presidential campaigns. They encourage candidates to write off states where they are hopelessly behind, and take for granted states where they are safely ahead.

In addition, creating a truly national election, in which every vote has the same weight would make it more difficult; if not impossible, for foreign hackers to tamper with our voting apparatus. Reports indicate that the Russian campaign interference plan of 2016 was directed at swing states only.

Additionally, and more significantly, state winner-take-all statutes adversely affect governance in a way that disadvantages non-swing states such as Connecticut. An analysis of “battleground” states shows they receive 7% more federal grants than “spectator” states, twice as many presidential disaster declarations, more Superfund enforcement exemptions, and more No Child Left Behind law exemptions.

To me, it is clear that the present winner-take-all Electoral College system is not only an unfair way to select a President - it also is unfair to our great state and the other "non-swing" states when it comes to both the outreach and attention given to us by Presidential candidates. Perhaps most disturbingly in these challenging fiscal times, this system results in federal funding decisions where more money is funneled into "swing states" to the detriment of our citizens.

In Conclusion

The adoption of legislation from states into the National Popular Vote Compact has been bipartisan, with both Republican and Democratic controlled legislative chambers overwhelmingly passing the national popular vote bill. Not only has support for the bill been bipartisan, criticism of the current Electoral College system has been as well.

I agree with the sentiments expressed by many national elected officials and leaders who believe that the Electoral College is no longer an appropriate way to select a President of the United States. It is imperative that we honor the will of the American people and Connecticut's citizens, and create a system that elects as President the winner of the popular vote. By passing this bill, Connecticut can do its part to honor the will of the people by adding our electoral vote totals to the 165 already pledged toward the 270 necessary to enact the compact.

For all of the foregoing reasons, I urge the committee to pass this important bill to ensure that *every* vote matters in *every* state in *every* presidential election. I thank the Committee for its time and consideration of this important issue, and would be happy to answer any questions.