

**Committee on Government Administration and Elections
Public Hearing 3/19/18**

**Testimony in Support of Proposed HB 5421
“AN ACT ADOPTING THE INTERSTATE COMPACT TO ELECT THE
PRESIDENT OF THE UNITED STATES BY NATIONAL POPULAR
VOTE”**

Submitted by Todd Vachon of Colchester, CT

The National Popular Vote bill would guarantee the Presidency to the candidate who receives the most popular votes in all 50 states and the District of Columbia. It would make every vote for President equal throughout the United States.

The shortcomings of the current system of electing the President stem from "winner-take-all" laws that have been enacted at the state level. 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. This includes two of the last three Presidents. Because we have been in an era of close national elections since 1988, undemocratic outcomes will continue to occur if the system for electing the President is not changed.

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 support was 45%-51%. Connecticut (and 37 other states) were totally ignored because public opinion was not close in those states. Two-thirds of the events (176 of 253) were concentrated in just 4 states (Ohio, Florida, Virginia, and Iowa).

In 2016, almost all general-election campaign events (94%) were in the 12 closely divided "battleground" states where Trump's support was in the narrow range of 43%-51%. Two-thirds of the campaign events (273 of 399) were in just 6 states (Ohio, Florida, Virginia, North Carolina, Pennsylvania, and Michigan).

It does not take an amendment to the U.S. Constitution to change existing state winner-take-all laws. State winner-take-all laws were enacted by state legislatures under their authority under Article II of the U.S. Constitution:

"Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors...."

These laws may be changed by the state legislature.

The winner-take-all method of awarding electoral votes was used by only three states in the nation's first presidential election in 1789 (and repealed by all three by 1800). Winner-take-all was never debated at the Constitutional Convention or mentioned in the *Federalist Papers*. It did not become predominant until 1880 -- almost a century after the U.S. Constitution was written.

Under the National Popular Vote bill, the national popular vote winner will receive all the electoral votes from the enacting states. The bill will take effect when enacted by states possessing a majority of the electoral votes -- enough to elect a President (270 of 538). Then, when the Electoral College meets in mid-December, the national popular vote winner will become President because the enacting states will represent at least 270 electoral votes. Thus, the Electoral College will represent the will of the voters in all 50 states (and DC).

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "T. Vachon".

Todd Vachon

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