

TO: The Honorable Craig Hickman  
The Honorable Laura Supica, Co-Chairs  
Members of the Joint Standing Committee on Veterans and Legal Affairs

FROM: Matthew Schaefer (Portland, ME)

DATE: January 8, 2024

RE: **LD 1578, An Act to Adopt an Interstate Compact to Elect the President of the United States by National Popular Vote**

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Good morning Senator Hickman, Representative Supica, and distinguished members of the committee.

My name is Matthew Schaefer. I'm a resident of Portland and an attorney. I am testifying on my own behalf in support of LD 1578, *An Act to Adopt an Interstate Compact to Elect the President of the United States by National Popular Vote*, because I believe that the ballot of every voter for President of the United States should have equal weight. Sadly, under the system currently used by states to choose the Electors designated to participate in the Electoral College, tens of millions of voters nationwide, and hundreds of thousands of voters in Maine, cast votes for President that are, in effect, meaningless. We can do better.

There is nothing in the Constitution of United States that dictates the current iteration of the "winner take all" system of choosing Electors that has been adopted in nearly every state. Nor does the Constitution prescribe Maine's modified system of allocating two of its four Electors to the winner of the statewide popular vote and one electoral vote to the winner of the popular vote in each of Maine's two congressional districts. To the contrary, and as the contrast between Maine's system and other state systems highlights, the Constitution permits each state legislature to determine how it will appoint the state's Electors, without further specifying the methodology. U.S. Const., Art. II, Sec. 1, Cl. 2. We can and should adopt a method of selecting Electors that guarantees the most democratic outcome for the one office that represents all of the people of the United States, the Presidency.

Unfortunately, the current, state-by-state "winner take all" approach chosen by states creates a system in which only a small number of key "battleground" states matter in determining the outcome of our presidential elections. In states that are not competitive, the members of the minority party play no role in determining who their president will be; instead, their votes are rendered meaningless by a system that awards *all* of the state's electors to the candidate of the quadrennially dominant majority party. For example, Republicans in California and Democrats in states across much of the south go to the polls every four years knowing that they will cast a

vote that will have no value in electing the President. (A partial, district level allocation like Maine's only marginally alters that calculus and could never function as a national solution.)

Furthermore, all voters in Maine suffer under the current system. Because only a few, closely contested states matter under the state-by-state, winner take all approach to electing the President, voters in those crucial "battleground" states cast ballots of outsized importance. As a result, almost all other states (large and small alike) are virtually ignored during the campaign because the current system badly skews the outcome in the Electoral College so that it hinges on a small minority of states. Pennsylvania, Michigan, Georgia, Wisconsin, Arizona, and a few others are the only states that can turn a presidential election. Millions of Americans in other states – Mainers included – watch helplessly for the results in the "battleground" states. Such a system is not democratic, equitable, or just.

The National Popular Vote Compact will correct this injustice. It does not abolish the Electoral College, as some claim, but instead reforms the way states appoint their Electors to ensure that the vote of every American is of equal weight in choosing the President, without regard to where a voter lives. Furthermore, overstated logistical issues for determining the national count with precision, emphasized by a leading critic in testimony to this committee, can be solved and do not justify retaining a system that devalues the votes of Americans residing in the 40 or more noncompetitive states.

Once states comprising a sufficient number of electoral votes to comprise a majority have adopted the Compact, our elections will no longer discount the presidential votes of millions of Americans and hundreds of thousands of Mainers. I urge you to support LD 1578 or a similar measure to help make this a reality.

Thank you for the opportunity to testify.