Testimony of Professor Ronald L. Rivest (MIT) about the

``National Popular Vote'' bills LD 252 and LD 1373.

April 3, 2025

To the Chairs and members of the Veterans and Legal Affairs Committee:
Thank you for allowing me to provide testimony on these bills (LD 252
and LD 1373) that would repeal Maine's membership in the National
Popular Vote Interstate Compact (NPVIC). My name is Ronald L. Rivest;
I'm an Institute Professor at the Massachusetts Institute of
Technology, where I've been since 1974. The opinions expressed here
are my own.

I'm a co-inventor of the RSA public-key encryption method that is in
widespread use today and is the basis of two technology companies I
founded, RSA and Verisign. I'm a founding member of the CalTech / MIT
Voting Technology Project and have been a member of the Technical
Guidelines Development Committee that advises the U.S. Election
Assistance Commission; I recently served on the "Securing the Vote:
Protecting American Democracy" committee of the National Academy of
Engineering and the National Academy of Science; and most recently I
was a member of the Berkeley Public Policy Working Group on Internet
Ballot Return.

Briefly, my testimony is that repealing Maine's adoption of the NPVIC
is the right thing to do.

There are many flaws in the NPVIC, any one of which should suffice to
kill the idea. While I believe that the current system needs
improvement and that the NPVIC is well-motivated, the NPVIC proposal
is actually worse in many ways than what we have at present. Maine is
doing the right thing by considering withdrawal from the NPVIC.

A more detailed analysis of the flaws in NPVIC is provided in the
paper "The National Popular Vote (NPV) Proposal for U.S. Presidential
Elections Undermines Election Integrity" written by myself and
Professor Philip Stark (link below). Professor Stark addresses some of
these flaws in his own testimony.

For my part I wish to focus first on the fatal flaw that the NPVIC
compels member states to accept without question the reporting of
other states. For example, Maine has no power to force another state
(such as Georgia, assumed here to be a non-member state) to tell the
truth about candidate vote counts, or to perform an audit to determine
if Georgia's vote counts are accurate. What happens if Georgia
"mis-counts" its votes? It has happened before – New York State has
failed to count hundreds of thousands of votes in recent elections.

While NPV supporters may talk about the right of Maine to file
litigation, Maine has uncertain standing to file such litigation, and
the results of such litigation may be very different than what an
audit would reveal. With NPVIC, a malicious state may be able to

manipulate a nationwide election outcome in a way that just isn't possible with the current system.

Finally, the current federal system is flexible in a way that NPVIC is not. It is one of the benefits of the current system that states may experiment with novel voting systems.

Any state (such as, for example, Maine) may choose to use ranked-choice voting (or any other voting method) to determine its electors. But by allowing votes from states using plurality voting to overwhelm choices made by Maine's voters, the NPVIC forces Maine's citizens to be represented as if somehow Maine still used the plurality system.

Furthermore, Maine uses the "congressional district method" to allocate its electors. This gives Maine more accurate representation reporting its election outcome; this too would be lost under NPVIC.

NPV supporters sometimes point to Maine as "showing the way" in which non-plurality voting methods can be used within NPV. Yet, all this does is effectively force Maine's voters to use a plurality method; it is a step backwards rather than a step forwards. And this is true for all non-plurality methods: any state that adopts NPVIC and that uses a non-plurality method would in effect be moving backwards to a plurality system.

I encourage you to pass bills LD 252 and LD 1373, withdrawing Maine from the NPVIC.

Thank you for your attention.

Links:

Website of Professor Ronald L. Rivest

http://people.csail.mit.edu/rivest/

Paper of Rivest and Stark on the NPV

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5032049