



Testimony in Support of LD 252 & 1373:

“An Act to Withdraw from the National Popular Vote Compact” & “An Act to Repeal the National Popular Vote Compact”

Senator Hickman, Representative Supica, and the distinguished members of the Committee on Veterans and Legal Affairs, my name is Harris Van Pate and I serve as policy analyst for Maine Policy Institute. Maine Policy is a free market think tank, a nonpartisan, non-profit organization that advocates for individual liberty and economic freedom in Maine. Thank you for the opportunity to express our strong support for LD 252, "An Act to Withdraw from the National Popular Vote Compact," and LD 1373, "An Act to Repeal the National Popular Vote Compact." This legislation is essential to preserving Maine's voice in presidential elections and upholding the constitutional framework designed to protect the interests of small states like Maine.

Preserving Maine's Influence in Presidential Elections

The National Popular Vote (NPV) Compact seeks to circumvent the Electoral College by awarding a state's electoral votes to the nationwide popular vote winner, regardless of how that state's citizens voted. This scheme disproportionately benefits large population centers and marginalizes smaller states such as Maine. Under the Electoral College, Maine currently holds an outsized influence relative to our small population, ensuring that presidential candidates pay attention to the interests of our state. The NPV Compact would erase this advantage by making Maine's electoral votes dependent on decisions made by voters in California, Texas and New York rather than the will of Mainers themselves.

In fact, Maine's share of four electoral college votes out of 538 makes it make of 0.74% of the Electoral College, but our population of 1.4 million makes us only 0.41% of the U.S. population. The NPV Compact reduces our overall impact on the presidential election by 45%, which is the proportional decline between 0.74% and 0.41%. Maine should be fighting for our voices to be heard on the national stage, not silenced, and silencing Maine voices is precisely what the NPV compact does.

The Electoral College Protects the Rights of Small States

Our Founding Fathers deliberately crafted the Electoral College to balance the interests of both large and small states. This system ensures that candidates must appeal to a broad and diverse coalition of voters rather than concentrating solely on high-population urban centers. The NPV Compact subverts this balance, effectively allowing a handful of populous states to dictate the outcome of presidential elections



while disregarding the interests of rural and less populated states. Maine should not be forced to surrender its electoral influence to larger, more politically homogeneous states.

Political Concerns

While previously, most objections to the NPV came from smaller, rural, Republican states, the potential dangers of the proposal became even more glaring during the last presidential election. If the National Popular Vote Compact had triggered, Maine's Electoral College votes would have all gone to President Donald Trump, despite Democrat candidate Kamala Harris winning the state against Trump by almost seven points.¹ While the 47th President would still have been Trump, Maine's ability to register a protest vote in the electoral college against presidents it largely dislikes would be utterly lost under a National Popular Vote system.

For similar reasons, other NPV member states, such as Colorado, have frequently considered leaving the compact.² Governor Mills also expressed caution about joining the compact when she allowed the bill entering Maine into the NPV compact to pass into law without her signature.³

Legal and Constitutional Concerns

The NPV Compact raises serious constitutional concerns.⁴ Article I, Section 10 of the U.S. Constitution prohibits states from entering into agreements or compacts with other states without congressional approval. The NPV Compact represents an interstate agreement that could fundamentally alter the structure of federal elections without the consent of Congress or the broader American electorate. This compact undermines the constitutional principles that have ensured fair and representative presidential elections for over two centuries.

Practical Challenges and Electoral Integrity

¹ <https://apnews.com/projects/election-results-2024/maine/?r=0>

²

https://gazette.com/opinion/guest-opinion-an-opportunity-to-repeal-national-popular-vote/article_9b10e62a-e3fa-11ef-b29a-c7b083e3f455.html

³

<https://www.maine.gov/governor/mills/news/governor-mills-allows-national-popular-vote-legislation-become-law-without-her-signature-2024>

⁴ <https://mainepolicy.org/five-legal-problems-with-the-national-popular-vote-bill/>



Beyond the constitutional and representational issues, the NPV Compact presents practical challenges that could undermine electoral integrity. Nationwide recounts in close elections would become a logistical nightmare, further eroding public trust in the electoral process. Maine has a long history of conducting elections with transparency and integrity, and it would be unwise to subject our electors to the whims of an unpredictable and highly politicized nationwide tally.

Conclusion

For these reasons, Maine Policy Institute strongly supports LD 252 and 1373. Maine should not tie its electoral votes to the decisions of other states or sacrifice its influence in presidential elections. We urge the committee to pass LD 252 and 1373 and withdraw Maine from the National Popular Vote Compact to preserve the integrity of our electoral process and safeguard the voice of Maine voters. Thank you for your time and consideration.