



Testimony in Opposition to LD 1578, “An Act to Adopt an Interstate Compact to Elect the President of the United States by National Popular Vote”

Senator Hickman, Representative Supica, and distinguished members of the Committee on Veterans and Legal Affairs, thank you for the opportunity to testify on LD 1578. My name is Jacob Posik, I live in Portland, and I am here to testify in opposition to LD 1578 on behalf of Maine Policy Institute, a nonpartisan, non-profit organization that works to expand individual liberty and economic freedom in Maine.

Maine currently employs what’s known as a “split-vote” model for allocating its Electoral College votes. Under this model, the state’s two Congressional Districts separately distribute one electoral vote each to the popular vote winner in their respective jurisdictions and two Electoral College votes are awarded to the winner of the statewide popular vote. Only Maine and Nebraska employ the split-vote model, and while proponents of the National Popular Vote (NPV) contend their model is better for voters, the split-vote system is truly superior to any alternative when it comes to allocating Electoral College votes.

By joining the NPV compact, Maine would give up the beneficial split-vote system for one that rewards large U.S. metropolitan areas – none of which are located in Maine – instead of Maine voters. Its adoption in Maine would result in hundreds of thousands of Mainers losing their voice in presidential elections.

Endorsing the compact is to discount the opinions of one’s own constituents, mathematically dilute Mainers’ voice, and defer to voters of other states to make our decisions for us. For perspective, New York City alone has more residents than 37 other U.S. states. Under the NPV model, a majority of Mainers could vote for one candidate, but if a majority of the rest of the country voted for a different candidate, Maine would still award its Electoral College votes to someone for whom Mainers didn’t vote. There’s no other way to describe this than undemocratic.

Maine’s current method of allocating electoral votes is useful, representative, and it respects the distinct differences between our two Congressional Districts – known as the “Two Maines” or the “North-South Dichotomy” for those scholars of Maine history and politics.

If anything, other small states like Maine—and even big, diverse ones like California or Texas—would benefit from using a split-vote system instead of shifting to a



nationalized vote for president. The NPV effort would be better directed toward encouraging other states to adopt the Maine and Nebraska model.

There is no doubt that using popular vote for president would greatly diminish the albeit small clout that Maine currently holds in these contests. Towns in Maine's Second Congressional District would no longer be considered part of a swing district, and the voters there would no longer be visited by presidential candidates and high profile surrogates during campaign season. No campaign would trek an additional three or four hours north of Boston for an event in Bangor or Lewiston-Auburn if it could engage more voters than the entire state of Maine just within Eastern Massachusetts alone.

It's also worth noting that the NPV compact itself may be unconstitutional until ratified by Congress. Article I, Section 10 of the Constitution reads in part:

"No state shall, without the Consent of Congress...enter into any Agreement or Compact with another State."

There's little serious legal debate about whether or not NPV constitutes an interstate agreement or compact. Instead, the debate revolves around whether the compact fits the bill for needing Congressional approval under current Supreme Court jurisprudence.¹

What's certain, though, were the compact to succeed in getting enough states worth 270 Electoral College votes to participate, its use would result in political turmoil and countless lawsuits, throwing our national politics into disarray worse than or equal to that which we experienced after the 2000 or 2020 elections.

The system also raises concerns around the handling of ballot disputes, recounts, and states certifying their own national vote total under this model. Similarly, it's worth noting that the NPV system opens the door for potential election fraud which the Electoral College is designed to prevent, since fraud anywhere under a nationalized system would spoil the results of the entire lot.

The Electoral College represents and respects our republican form of government and is worth preserving to protect each state's individual voice in electing our nation's president. Please vote "**Ought Not to Pass**" on LD 1578 to protect our Republic, preserve the Electoral College, and reject the NPV compact. Thank you for your time and consideration.

¹ https://www.everycrsreport.com/files/20191028_R43823_4663c27a637c2a7cbc8c67ad800efb7758f97878.pdf