



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

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

Good morning Senator Hickman, Representative Supica, and members of the Joint Standing Committee on Veterans and Legal Affairs.

My name is Will Hayward. I am here today as Advocacy Program Director for the League of Women Voters of Maine. The League of Women Voters of Maine is a nonpartisan political organization that has been working for over 100 years to encourage informed and active participation in government, to increase understanding of major public policy issues, and to influence public policy through education and advocacy. We never support or oppose any political party or candidate.

We are testifying in favor of LD 1578. We strongly support electing our president and vice president by popular vote, and we support the National Popular Vote Compact to achieve that result. Simply put, we believe that every vote across all 50 states and the District of Columbia should matter equally in electing the president. The current system is not only anachronistic, it results in undemocratic outcomes which do not enhance the stability and public confidence in the single most important election in our country.

Popular election of public officials has been a feature of our democracy across the country for over 150 years. In that time, our commitment to electoral democracy has grown in importance. It is now part of our political culture and a bedrock feature in our political system. The idea that "the person with the most votes wins" is familiar to every schoolchild and is based on a value that transcends long-ago political compromises. The presidency is unique – the only official chosen by every eligible voter across the entire country, and the only office equally accountable to each and every person in every state and territory. The president is the president of "the people," not of "the states."

Yet when each state uses a winner-take-all approach based on the vote within that state for electing the president, the result does not necessarily reflect one person, one vote. The system now in place does not align with our bedrock principles.

This goal of achieving one person, one vote is within reach. It does not need a constitutional amendment, and it does not require abolition of the Electoral College.

Under the U.S. Constitution, each state has discretion over the allocation of its electoral votes. Some states use a "winner take all" approach, giving all their electoral votes to the candidate who wins the plurality from voters in that state. Maine uses a district approach, with two of our four electoral votes going to the statewide winner and one going to the winner in each congressional district.

This is the crucial point: The allocation of electors for any one state is not required by the U.S. Constitution or the Maine Constitution. It is not required by a federal law. It is a decision entrusted to the state legislature.

In Maine, that decision is found in Title 21-A, Section 805(2). That section says that Maine presidential electors vote as follows: Two at-large electors vote for the candidate with the most votes statewide, and the other two vote for the candidate winning the most votes in their respective congressional district.

LD 1578 merely amends Section 805(2). Once this bill takes effect, state law would direct our electors to vote for the winner of the national popular vote, rather than the state or district popular vote. It's that simple. This rule only takes effect when enough states have agreed to join together to allocate their electors in this manner. Until that time, Maine would continue to allocate our electors as we always have - using our hybrid at-large and district allocation approach.

It really is simple. The electors entrusted to our state by the federal constitution are under state control. The power to allocate them is a power entrusted to our legislature – to you.

There are some persistent misconceptions around the National Popular Vote. The National Popular Vote would not center presidential elections in large cities. According to Census estimates, The combined population of the top 100 cities in the United States represents roughly 20% of the total US population. Ask yourself this: could any candidate win a national popular vote by trying to appeal to only 20% of voters? The National Popular Vote requires a candidate to appeal to every voter in every state.

The current system centered around winner-take-all doesn't mean candidates focus on big states or small states, it means they focus on the most closely divided states -- the "swing states." Maine has not been one of the beneficiaries of this.

Some opponents of one person-one vote try to argue that there is a conflict between NPV and Maine's adoption of ranked choice voting in presidential general elections. But that simply is not so. It is very easy to use both NPV and RCV. If NPV is in use, the final round RCV tabulation will be Maine's contribution to the total national vote, and Maine could submit that vote count to the other states.

The question is whether we should choose the president of the United States by popular vote. The short answer is, of course we should. The president should be the president of all the people. There should be a clear and straightforward choice by the voters that the president would represent. The current system is undemocratic. That is why we support NPV, and urge you to vote Ought to Pass on LD 1578.