

January 8, 2024

## **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 members of the Joint Standing Committee on Veterans and Legal Affairs:

My name is Nathan Gould. I am a resident of Winterport. I am submitting this 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."

Our Constitution's system of an Electoral College is an excellent compromise, balancing the will of the people and the protection of the rights of those in the minority. It safeguards us from tyranny, prevents political corruption by ensuring Electors are not from, as Hamilton puts it, a "preestablished body," and preserves Federalism and the rights of the minority.

The Electoral College accounts for how varied our nation is. The other regions of our nation are different from the Northeast. Maine is different than the other New England states. And within our State is a collection of very different people. You see these differences on display in that slice of the population that makes up those sent to serve in our State House. Where under our current system a presidential candidate must appeal to a broader base, under National Popular Vote it is the population centers that will receive the most attention. It will not negate but rather increase feelings of disenfranchisement and bring even more division and regionalism that our Union cannot afford today.

A major issue is the overreach of the compact. Upon controlling 270 electoral votes, the scope of the NPVC, unlike many other interstate compacts, affects those states who do not consent to this compact.

Another concern is a lack of any real protection from states withdrawing from the compact if whichever ruling party sees an opportunity to win the Electoral College instead of the popular vote. This opens the door for crises greater than any faithless Elector.

I would also draw your attention to page 4 of the Bill, at lines 35-40, where a Presidential Candidate could nominate Electors, irrespective of whether the candidate is from that state. This goes against the spirit of keeping Electors free from such outside influence, and it further takes control away from the individual states.

As the Founders intended, Presidential elections are supposed to be decentralized. In contrast, this compact goes against the independent character of the State of Maine. More than two centuries ago we chose to be distinct and separate from Massachusetts, but now one more runaway interstate compact threatens to take what voice we have as a smaller state and substitute it for the will of the larger states.

As the Bill of Rights protects the rights of minorities, so too does the Electoral College. We see in the presidential election of 1888 how the Electoral College handed the presidency to President Harrison instead of Cleveland. President Cleveland, favored by the South, won the popular vote in an era of Southern voter suppression.

It should concern the members of this committee, being those who have sworn an oath to support the Constitution of the United States and of this state, when those advocating for a compact like this describe it as an "end-run" around the Constitution.

President George Washington has been quoted as saying "That the constitution we have is an excellent one if we can keep it where it is."

The issue is not the Electoral College, but people's understanding of it. The answer needed is not sidestepping the Constitution, but rather a robust civic education. The founders understood that a sure defense and preservation of freedom in our constitutional federal republic is an aware and enlightened citizenry.

Some would say that we must progress from old ways, but it was the Founding Fathers who looked to history to see how a pure democracy and majoritarian rule would not protect the rights of the minority. The Founders understood and wanted to avoid the various kinds of tyrannies: the autocracy of power in the hands of the few, and the mob rule of the majority in a direct democracy, where the rights of the minority can be trampled. The National Popular Vote, regardless of its advocates' intentions, removes these protections.

Daniel Webster said:

“There are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters”

The Constitution, like a seat belt, is an effective thing, yet powerless if we do not keep it.

I ask the Committee to vote Ought Not to Pass, and I thank you for reading this testimony.

Respectfully,

Nathan C Gould

Winterport