

***Testimony of Edward Polewarczyk on
LD 252, An Act to Withdraw from the National Popular Vote Compact
Before the Joint Standing Committee on Veterans And Legal Affairs***

Senator Hickman, Representative Supica and Members of the Joint Standing Committee on Veterans And Legal Affairs: I am Edward Polewarczyk, from Wiscasset. I am here today to testify In Favor of L.D. 252 An Act to Withdraw from the National Popular Vote Compact.

Maine joined the Interstate Compact to Elect the President of the United States by National Popular Vote when LD1578 was enacted by the 131st Legislature on April 16, 2024. There are significant issues that justify the reconsideration of having joined the Interstate Compact.

The highly populated states will determine who the President will be. The smaller less populated states would have no voice. The recent election is an excellent example. In 2024, Trump won the national popular vote. However, in Maine, Harris won the popular vote and won three electoral votes. Had the Interstate Compact been active, 435,135 votes and 3 electoral votes would have been assigned to Trump. In essence, Maine's 131st Legislature had decided the Maine voters could be ignored. The 2024 Harris / Trump election is an excellent example where the voice of the smaller less populated states could make a difference.

Had the Founders chosen the National Popular Vote to elect the President, it is questionable that the smaller less populated states would have signed on to our Constitution.

Election laws vary amongst the states. Some allow voter registration without any form of identification. Some allow felons to vote. Some use universal vote-by-mail ballots. There is no common ground for voter eligibility. These differences can change the results of an election. Election interference in a highly populated state could bring the validity of the election into question.

In addition, Article 1 Section 10 of the Constitution in part reads "No State shall, without the Consent of Congress... enter into any Agreement or Compact with another State." If it ever comes to pass the Interstate Compact will surely be challenged in the Courts.

It's true the Electoral College has most recently helped Donald Trump and George W. Bush, two Republicans, win the White House without popular vote majorities. But in the past, this same institution has also helped Democrats without popular majorities win the presidency and govern with political legitimacy. Of 19 elections won without popular majorities, ten were won by Democrats, seven by Republicans, one by a Whig, and one by a Democratic-Republican¹.

Most states have opted to use their authority to set their own election laws to commit their entire slate of electors to the popular vote outcome of their state. Maine got it right assigning one electoral vote for each district and two votes based on the State's popular vote, An excellent method to recognize the will of the people and yet maintain significance as a smaller less populated state.

I urge the members of the committee to vote Ought to Pass on LD252 to withdraw from the National Popular Vote Compact and make Mainer's votes count, recognizing our voters decisions. Maine's four electoral votes can make a difference.

¹ The Electoral College, Critical to Our Republic, Charlie Kirk & Josiah Peterson