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Yarmouth

LD 1384 "An Act To Adopt the National Popular Vote Interstate Compact"
Rudolph Naples Testimony

Good Morning Senators and Representatives:

I am very concerned that the presidential election process has become unfair. Instead of carrying out the essential democratic tradition of one person, one vote some people's votes are more powerful than others in the Electoral College. This results in a presidential elections where local special interests become big national interests. For example, in 2020 fracking became very important due to its importance in the battleground state of Pennsylvania. Then true national issues such as equity for all, domestic programs' priority versus international defense and healthcare are not given their rightful airing in campaigns

All you have to do is look at the state-by-state campaign events and spending to see non-battleground states votes are considered worth very little.

In 2020 the numbers* prove this:

12 states received 96% of the 2020 general-election campaign events (204 of 212) by the major-party presidential and vice-presidential candidates (September 1 to Election Day, 2020). 2.Together, Pennsylvania and Florida received three-eighths of the entire presidential campaign events.
3.Seven out of eight dollars for TV ads up to mid-October ($884,000,000 of $1,015,000,000) were spent in just 6 states (Ohio, Florida, Virginia, North Carolina, Michigan, Pennsylvania)

Now, of the 13 small population states, including Maine, only New Hampshire garners much attention. (Recall its early primary election.)

Also, while the winner of the last election garnered 7 million more votes than his opponent, had just

The National Popular Vote for president would eliminate this problem. NPV makes us voters in Maine, and all states, equally important.

National Popular Vote also offers all of us Americans one hugely important guarantee: the candidate who receives the most popular votes across all 50 states and DC will always become the President. That is once states with 270 EC votes join together. Currently, 15 states and DC, with 196 EC votes, have already joined. This is because the NPV Compact states agree to award all of their electors to the candidate who wins the total national popular vote.

To those opposing NVP, the question is why? Why shouldn't POTUS be chosen by the majority of all Americans, and why wouldn't anyone agree with an election system that promotes fairness and equality?

A constitutional Amendment being required to change how the President is elected is not true, because*:

1.The U.S. Constitution gives the states the "exclusive" and "plenary" power to choose the method of awarding their electoral votes.

2.The shortcomings of the current system of electing the President stem from state winner-take-all statutes that award all of a state's electoral votes to the candidate who receives the most popular votes within each separate state.

3.The state-by-state winner-take-all method of awarding electoral votes is not in the U.S. Constitution. It was not debated at the Constitutional Convention. It was not discussed in the Federalist Papers.

4.The winner-take-all rule was used by only three states in the nation's first presidential election in 1789 (all of which abandoned it by 1800). The Founders were dead for decades before the winner-take-all rule became the predominant method of awarding electoral votes.

5.Maine and Nebraska currently award electoral votes by congressional district—a reminder that the method of awarding electoral votes is a state decision.

6.The winner-take-all rule is used today in 48 of the 50 states because it was enacted as a state statute in those states, under the same provision of the U.S. Constitution (empowering the states to choose the method of awarding their electoral votes) being used to enact the National Popular Vote plan.

7.Winner-take-all statutes may be repealed in the same way they were enacted—namely, through each state's process for enacting and repealing state laws. Therefore, a federal constitutional amendment is not necessary to change the state-by-state winner-take-all method of awarding electoral votes.

8.The Constitution's grant of exclusive power to the states to decide how presidential elections are conducted was not a historical accident or mistake, but was intended as a "check and balance" on a sitting President who, in conjunction with a compliant Congress, might manipulate election rules to perpetuate himself in office.

In the last 6 presidential elections, there have been 2 near-misses and 2 second-place Presidents in the Electoral College.

The 2 near-misses were*:

2020 election: If 21,847 voters had changed their minds and not voted for Biden (5,229 in Arizona, 5,890 in Georgia, and 10,342 in Wisconsin), Trump would have won the 37 electoral votes from these three states, and there would have been a 269-269 tie in the Electoral College. Trump would have been re-elected, because the U.S. House of Representatives picks Presidents on a one-state-one-vote basis, and the Republicans control a majority of the House delegations in the 2021 Congress. Each of these 21,461 voters for Biden was 329 times more important than the more than 7,058,909 people who voted for Biden across the country.

2004 election: If 59,393 voters in Ohio in 2004 had changed their minds and not voted for incumbent President George W. Bush, John Kerry would have taken Ohio's 20 electoral votes from Bush and won the Presidency in the Electoral College. Each of these 59,393 voters for Bush was 51 times more important than the 3,012,171 other people who voted for Bush.

The 2 second-place presidents were:

2000 election: In 2000, George W. Bush became President even though then-Vice President Al Gore won the national popular vote by 537,179 votes. Bush won the Presidency because he carried Florida by 537 votes. Each of these 537 votes for Bush in Florida was 1,000 times more important than the 537,179 votes cast for Gore in other states.

2016 election: In 2016, Donald Trump became President even though Hillary Clinton won the national popular vote by 2,868,518 votes. Clinton's margin was comparable to George W. Bush's substantial margin of 3,012,171 in 2004. Trump won because he unexpectedly carried Michigan by 10,704 votes, Wisconsin by 22,748 votes, and Pennsylvania by 44,292 votes. Each of these 77,744 voters was 37 times more important than the 2,868,518 voters that voted for Clinton in other states.

Maine's participation will bring the Electoral College votes to 200, which may well give get more states to join and reach the 270 votes needed to activate the NPV Compact.

In summary, for all of these reasons, backed by facts and numbers, I request that you please wholeheartedly support LD 1384.

Thank you,
Rudy Naples

* Data collected by the National Popular Vote Compact office.