

**Testimony from Eric H. Holder
(United States Attorney General 2009–2015)
for Maine Committee on Veterans & Legal Affairs
Opposing LD 252 & LD 1373**

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The National Popular Vote Interstate Compact provides an excellent way to implement a nationwide vote for President. In fact, states across the country have already begun signing up to do exactly that.

Under the NPVIC, instead of Electoral College delegates supporting whichever candidate receives the most votes in their state (the current system), delegates would be compelled to support whichever candidate receives the most votes across the country. This way, the Electoral College could never again overrule the will of the people, because its outcome would be a direct reflection of the national popular vote.

And you wouldn't need every state to sign on. All you would need is some combination of states with a combined total of 270 electoral delegates to agree to the NPVIC in order for it to render the Electoral College obsolete. Already, seventeen states and the District of Columbia have signed up to be a part of the compact. Together, they hold 209 electoral votes—so we are more than 77 percent of the way there. And figuring out how to get that final 23 percent on board should be a priority for people who believe in democracy everywhere.

Because while this compact may sound technical, it has the power to be transformational. Just imagine how much different our country would look today if we'd had this system in place before the election in 2000—and Al Gore, not George W. Bush, had become president. There is no such thing as certainty when it comes to counterfactuals—but can you imagine how much better our past couple of decades would have been and how much brighter our future would look if we had elected a candidate who ran on reducing emissions before Greta Thunberg was even born? How many disasters, how many fires, how many floods could have been prevented? How many lives could we have saved? And I haven't even touched on the Iraq War.

It's dizzying to think about. And there's not much use in doing so. Because all counterfactuals are, ultimately, fiction. But while we can't change our history we can learn from it. And that's what all of us, as citizens, need to make our own compact to support the NPVIC.

This will not only make our politicians better representatives of the people. It will also make our elections themselves better.

Under the current system, presidential candidates are incentivized to spend all their time in a few swing states—since their residents are the voters who decide the Electoral College. But with the NPVIC in place, they would have to campaign everywhere, for every vote, no matter how red or blue a state might be. Suddenly, Republicans would be compelled to spend their time in New York City and San Francisco. And Democrats would barnstorm towns across Texas, Florida and the south, listening to and learning from voters they have too frequently written off.

In this way, the NPVIC would usher in a fundamental transformation in how candidates campaign; and even more important, it would change how presidents govern. They would no longer feel tempted to provide more favorable treatment to some states over others—after all, voters from all states would have the chance to hold them accountable.

And there's one more benefit of the NPVIC, one that has more relevance with every passing day: It would make it much harder for a losing presidential candidate to try to steal an election.

Every step of President Donald Trump's coup attempt—from his intimidation of state legislatures to the pressure campaign he launched on Mike Pence to his incitement of an insurrection at the Capitol was predicated on the idea that he could change the result of the election by flipping the outcome in a few swing states. And he was right: It would have been much easier for him to “find” 44,000 votes across Georgia, Arizona, and Wisconsin, the states that decided the election, than it would have been to close the seven-million-vote gap he faced in the nationwide tally.

In other words: Only because the Electoral College—because we don't simply count up all the votes across the country and declare a winner—did President Trump's putsch even stand a chance. In states around the country, Republicans have spent the years since the 2020 election trying to establish new ways to subvert our democracy by seizing control of election certification and consequently putting themselves in charge of who gets sent to the Electoral College.

This is a crisis, and—first things first—we need to be fighting, state by state, to make sure election administration remains in the hands of independent actors rather than partisan state legislatures. That way, Republicans can't direct a slate of electors to substitute its judgement for the will of the people.

But the truth is, as long as presidential elections are decided by individual states through the Electoral College, they will never be truly coup-proof. Which is why we need to eliminate it entirely, or remove its power with the NPVIC.

The Electoral College has got to go. Not just because of its bigoted past. But because getting rid of it will help put us on a path to a truly democratic and representative future.