

David Souers  
Friendship  
LD 252

Good morning Senator Craig Hickman, Representative Laura Supica, and members of the Veterans and Legal Affairs Committee. My name is David Souers, from Friendship, ME. I am testifying in opposition to LD 252 for the following reasons:

First, I testified on January 8, 2024 in favor of LD 1578 The National Popular Vote Compact during the 131st Maine Legislature, Second Session. LD 252 is now “An Act to Withdraw from the National Popular Vote Compact” that was enacted after hearings and testimony on April 3, 2024. Nothing has changed in the last year since the Legislature passed the National Popular Vote Compact. There is no new evidence or even election results demonstrating that the bill passed last year needs to be withdrawn this year. There is a trend however in Maine and across the nation to revoke election laws, like the National Popular Vote Compact, that have made our state and national voting and elections more representative, convenient and accessible for all citizens in order to promote and motivate more voter participation. LD 252 is an intentional regression in our voting and election laws.

Second, the National Popular Vote Compact for the President of the United States is more in line with our Declaration of Independence which says that “all men are created equal”. This indicates that all votes should be counted equally toward the election of our President. The present winner take all Electoral College votes that most states have adopted does not effectively apply this principle of “all men are created equal”. This is particularly true when popular votes are dispensed with, as Electoral College Votes are counted across the United States. The disparity between the popular vote and the Electoral College can increase to the point where a candidate can win the Electoral College votes while losing the popular vote of the nation. Two presidents won the Electoral College but lost the popular vote during our nation’s first 212 years, and then two presidents won the Electoral College but lost the popular vote during our nation’s last 23 years. Our nation’s population growth in urban areas and more populated states is increasing this distortion, and inequity of how much our vote counts. It should be equal for all Americans.

Third, though Maine and Nebraska allocate our Electoral College votes more equitably, and more in line with our states’ popular votes, all other states allocate their Electoral College votes as “winner take all” which contributes to the skewing that results in the ability for a minority popular vote to win over the majority popular vote. This “winner take all” for the Electoral College votes by state was first created by Thomas Jefferson in Virginia. It was not a US Constitution clause, but a state election law for the purpose of gaining an advantage over other states and candidates. Maine and the states within the National Popular Vote Compact have every right to agree on the application of our Electoral College votes to address and support the election of the President based on the national popular vote. During LD 1578 testimony was provided by a Republican representative for the National Popular Vote who made a very comprehensive supporting case for the National Popular Vote which should be available from last year’s hearings.

Fourth, though the Electoral College votes for each state is based on the census, our smallest rural states like Montana get an advantage over more populated states because each state gets two Electoral College votes, one for each US Senator. The smaller the state the greater the advantage for winner take all Electoral College votes in those states. Maine’s current method of appointing Electoral College votes is more equitable. But still does not fully support distribution that matches the popular vote.

Fifth, our Federal government is intended to provide checks and balances among the Administrative branch (President), the Legislative branch (House and Senate) and Judiciary branch (US Supreme Court and Federal Courts). However, the Senate is comprised of two senators per state regardless of the population. This does not

provide equal representation across the US population. California with the largest population at approximately 38,800,000 people has two senators, each representing 19,400,000 Americans, while Montana with the smallest population at approximately 585,000 has two senators, each representing 292,500 Americans. Maine with a population of approximately 1,401,000 has two senators, each representing 700,500 Americans. We are not likely to change this dramatic inequity of representation, but we cannot afford to have this inequity in all branches of the Federal government and have checks and balances. The Senate has the power of advice and consent on all presidential appointments to the Federal courts who are granted life tenure. The senate has many other advice and consent powers including confirmation of Cabinet members, department heads such as the Departments of State, Justice and Defense, plus ambassadors representing the US abroad. The Senate also votes on all legislation and budgets that the House proposes and votes on. The responsibility of the Senate is significant. The importance here is that low population states have a disproportionately greater influence on legislation and on positions, departments and the Judiciary branch. So, if the President can be elected by less than the popular vote with disproportionate influence from low population, rural states, and the Senate with greater representation also given to low population, rural states, with confirms so many presidential appointments including the Judiciary, then we do not have checks and balances across our Federal government. We have seen this adverse effect where the Senate with held voting on a US Supreme Court justice and withheld all appointments and promotions to the Defense Department over a long period of time. A national popular vote will not correct the inequities and disproportionate representation in the Senate. But it will provide more equitable representation in the Administrative branch to better represent the American people as a check to the other Federal branches.

Sixth, our democracy is more in question than during any of our lifetimes, and perhaps during our national history. Americans must be more equitably represented to keep every American citizen motivated to vote and to participate. The recognition that a minority can wield power over the majority, and that a small minority can even stop our government, and feel entitled to dominate a majority of citizens must be dealt with. Maine is a relatively small state with greater representation per citizen than many states. Still, it is in our best interests to work with all states to make the Federal government more equitably representative across our nation. We have many shared values and needs that are not being addressed when the least populated areas of our nation have more say than the more populated areas that generate the greatest tax reviews that are often distributed disproportionately to the less populated areas.

I advocate to the Veterans and Legal Affairs Committee that LD 252 ought not to pass.