



Testimony in Opposition to H. 591 & H. 647
Repealing the National Popular Vote
Pamela Wilmot, Executive Director, Common Cause Massachusetts
Joint Committee on Election Laws
May 15, 2013

Mr. Chairman and Members of the Committee,

The Massachusetts legislature overwhelmingly passed the national popular vote legislation after many hours of debate over many days in 2010. More than a dozen amendments, including one identical to H 647 were considered and rejected, most by margins of 3 and 4 to 1. Final passage was by a similarly wide margin. Identical legislation had come very close to passage in 2008, missing only a final enactment vote in the Senate. When Governor Patrick signed the bill in 2010, making us the 6th state to join the compact, it was a proud day for Massachusetts and for democracy in the United States. Now we are one of 9 states and more states are likely to join this year. We urge you to reject these bills.

National Popular Vote, once it reaches the threshold to become effective, would guarantee that the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia will win the presidency. This would put Massachusetts and the vast majority of the remaining states back in play in presidential elections. Currently, it is no exaggeration to say that elections are waged in 6-8 swing states, while the remaining states are essentially bystanders. It would mean that candidates would come here to campaign in the general election. In so doing it would increase voter participation here and elsewhere. Estimates for greater voter turnout range from 3% to 10%, and as high as 35% among young voters. And finally, it would mean that the winner of the most votes in the election would actually win the office, just like in every other election in the country.

The National Popular Vote legislation is technically an interstate compact that will not go into effect until states with 270 Presidential electors, a majority in the Electoral College and roughly half of the U.S. population, have passed identical legislation. We are 49% of the way to our goal with 132 electoral votes through enactments by California, Massachusetts, Hawaii, Illinois, Maryland, New Jersey, Washington state and Washington, D.C. We believe several other states will join this year.

There is no reason to sunset the agreement, because the compact has no effect until we receive enough electoral votes for it to become effective. If the legislature changes its mind on whether



National Popular Vote is a good idea, and we hope it will not, it can always repeal the enabling legislation.

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National Popular Vote has been passed by 31 legislative chambers in 21 states. Most of these votes have been bipartisan. In the New York Senate, 70% of the Republican caucus voted in favor, and a similar number did so in a Republican controlled committee in Oklahoma, to name just a few. Saul Anuzis, who came in second in the race for the RNC chairmanship, is a passionate supporter and has been travelling the country promoting the proposal. Prominent Democrats have also been outspoken supporters and our own Governor Mike Dukakis is travelling to other states to support the issue. National Popular Vote is also very popular with voters from both sides of the aisle. A poll of 800 likely Massachusetts voters showed 72% support, with support from every demographic. National polls have been conducted on the subject for decades and show similar results.

National Popular Vote has been endorsed by a wide range of national and local civic groups, including Common Cause, the League of Women Voters, MASSPIRG, MassVOTE, Oiste, NAACP, ACLU, Sierra Club, JALSA, Black Political Task Force, Public Citizen, Demos, FairVote, National Latino Congreso, Asian American Action Fund, National Black Caucus of State Legislators, and the Defenders of Wildlife Action Fund. In several states, local Tea Party groups have endorsed.

It has also been endorsed by most of the state's major newspapers, including the Boston Globe, the MetroWest Daily News, the Brockton Enterprise, the Cape Cod Times, the Berkshire Eagle, the Patriot Ledger, the Milford Daily News, the Dover-Sherborn Press, the Daily News Transcript, the Lexington Minute Man, the Taunton Daily Gazette, the Boston Phoenix, and the Sun Chronicle as well as many national papers, including the New York Times, the Los Angeles Times, the Chicago Sun-Times, the Miami Herald, and others.

National Popular Vote is a constitutional, practical plan for establishing a popular vote for president. The Founders gave the states complete, plenary authority to decide how our electors will be chosen. Thus National Popular Vote is not unconstitutional, nor is it an "end run" around the Constitution. Massachusetts has changed the method of selecting presidential electors 10 times, including twice canceling elections and awarding electors to the candidate the legislature preferred rather than the one the people preferred. The state legislature has that power today. They also have the power to select the winner of the popular vote in all 50 states, as required by the National Popular Vote proposal.

Once effective, National Popular Vote will enfranchise Massachusetts voters. We are currently ignored in presidential elections, just like more than 2/3rds of the country that live in "safe" states. 98% of the money in the past few elections was spent in just 15 states—or less (10 in 2012, with 70% in 5 states). Candidates do not come to campaign here, or to other "safe" states, during the general election because there is no way they can win—or lose—our state. Margin does not matter under the current system—every vote over 50% plus one is wasted. Under a popular vote, every vote will be added to the popular vote totals for all 50 states so that the margin of victory in supportive states matters a great deal (as does the margin of defeat elsewhere). Yes, in some instances, Massachusetts electors may go to a party that does not carry



our state. But that is precisely the point. One nation, voting together, where every vote matters equally. Electors, appointed by political parties not voters, are a ceremonial office, nothing more. Currently electors rubber-stamp the winner-take-all outcome in our state. Under National Popular Vote they would rubber stamp the national vote. Who wins the presidency is determined on election night, not in mid-December. And in the process, Massachusetts voters will matter; we will see increased spending in our state, and democracy will be invigorated. And—the winner will actually win, just like in every other election in this country.

We hope that you will reject these bills.