



**STATE OF HAWAII  
OFFICE OF ELECTIONS**

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KEVIN B. CRONIN  
CHIEF ELECTION OFFICER

TESTIMONY OF THE  
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS

TO THE HOUSE COMMITTEE ON JUDICIARY

ON SENATE BILL NO. 2898, S.D.1

RELATING TO AGREEMENT AMONG THE STATES TO ELECT  
THE PRESIDENT BY NATIONAL POPULAR VOTE

March 20, 2008

Chair Waters and members of the House Committee on Judiciary, thank you for the opportunity to testify on Senate Bill No. 2898, S.D.1. The purpose of this bill is to allow states to determine the winner of a presidential election by “national popular vote”.

The Office of Elections knows the contents of this bill and believes this bill presents a policy issue for the Legislature to resolve in its sound judgment. The Office of Elections remains available to provide, on request, any technical assistance arising from this bill. Please let us know if this office can be of assistance to you.

Respectfully Submitted:

By Kevin Cronin

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Written Testimony of Rob Richie, Executive Director  
On Behalf of Hawaii's SB2898 SD 1, March 19, 2008

Thank you very much for the opportunity to provide written testimony in support of SB 2898 SI, legislation to enter Hawaii into an interstate compact designed to guarantee the election of the presidential candidate who wins the most popular votes in all 50 states and the District of Columbia.

My name is Rob Richie. Since 1992 I have been the executive director of FairVote, a nonprofit, nonpartisan group based outside Washington, D.C. that promotes voter participation and fair elections. I am co-author of *Every Vote Equal*, a book that explains the National Popular Vote plan, and our organization produced *Presidential Election Inequality*, a report detailing increasing serious problems with the current Electoral College system. I prepared this testimony with Ryan O'Donnell, my colleague who runs our Presidential Election Reform program and last year played a central role in our home state of Maryland's decision to become the first state to enter the National Popular Vote compact. New Jersey has since joined the compact, and legislation likely will be under consideration in all remaining states in 2009-2010.

I strongly support the National Popular Vote legislation. A nationwide election of the President is a goal supported by an overwhelming majority of Americans (more than 70% in 2005 polls taken in Republican-leaning and Democratic-leaning states alike, and as high as 80% in some Gallup polls in recent decades). Americans recognize that our country benefits from campaigns that reach out to everyone and everywhere—small states, big states, rural areas and urban areas alike. The current system does just the opposite. Today's elections focus exclusively on an ever-smaller club of swing states such as Florida. The system is nothing like the one-person, one-vote system we hold for every other election of import in this nation.

Hawaii does not receive the attention it deserves, as it is nearly completely ignored by both parties. Because of the current state-by-state system where only swing states matter, candidates have no reason to poll, visit, advertise, organize, campaign, or address the important concerns of the Hawaiian people. Indeed, the 2004 presidential campaign of George Bush was the richest in history -- but it didn't waste a dime in polling a single person outside of 18 potential swing states in the last two years of the campaign. All the Americans in spectator states meant absolutely nothing to the campaign because their votes were taken for granted.

Our report measures the adverse impact of the current system in many ways. Here are a few:

- The presidential and vice-presidential candidates of the major parties made 291 campaign stops in the last five weeks of the 2004 campaign. 109 were in Florida or Ohio, while a majority of states did not receive even a single visit.
- In those last five weeks of the 2004 campaign, more than \$110 million was spent on television ads about the presidential election in Ohio and Florida. Not a single presidential campaign ad aired in 25 states, and only \$388,095 was spent on ads in Hawaii.

- The ten states with the biggest declines in youth turnout over the past 30 years are all "spectator states." Young people under 30 were 36% more likely to vote in the ten closest swing states than the rest of the nation in 2004.
- A white American in 2004 was more than twice as likely as an Asian American to live in a swing state.

As you consider the National Popular Vote bill before you, you are considering a bright-line choice. On one side is a Hawaii where its people are politically relevant in the most important election we hold in America, and on the other, a Hawaii for which 2008 and future elections will be a spectator sport. On one side is a truly national campaign, where we elect the president of all fifty states, and on the other, an election decided by votes in a dozen. On one side is a campaign where all who care about presidential elections have a great incentive to get out the vote and engage the people of Hawaii and on the other, not even an incentive to air an ad. Joining with the majority of Americans in electing the president with a national popular vote is a declaration that the people of Hawaii are just as important as the important as the people of Florida when deciding the future of our nation. Embracing the current system implies that they are somehow less important.

I want to emphasize that no way will Hawaii be taking this important step alone -- and of course nothing will change whatever you do until states representing a majority of Americans have entered into this agreement. More than 360 state legislators in 47 states have introduced the National Popular plan or agreed to sponsor it and in addition to the wins in Maryland and Jersey, it will keep moving through committees and chambers in a mix of big and small states, red and blue states.

The current Electoral College system used in Hawaii and most states isn't "more constitutional" than the National Popular Vote plan. Our current rules were far from the norm during the lifetime of most of our nation's founders, and they can and should be changed by states. We are fortunate that the founders created a U.S. Constitution that gave you and state legislators like you the power to choose how the President would be elected -- and make our elections work for your citizens. States have the right and responsibility to award their electoral votes in a manner chosen by the states themselves. The National Popular Vote bill solves a widely recognized problem. It is a common sense approach that is firmly rooted in the Constitution.

Last year our nation mourned the death of Gerald Ford. As with other presidents of his era like Richard Nixon, Jimmy Carter and Lyndon Johnson, President Ford supported a national popular vote for president. In 1969, as minority leader in the U.S. House he rose to speak, ending with "Now, my final point is this: I believe that we ought to pass the direct method of selecting the President of the United States. If we do not, it is my honest opinion that the people will be let down."

In the end, one thing is sure. Americans want a government that listens to them, and elections in which their votes count. We all hold the principle of "one person one vote" in high regard. When it comes to the most important election our nation holds, only a national popular vote will do, for Hawaii, and for America. That is why I respectfully urge you to support this legislation.

Thank you.

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TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY  
ON  
S.B. 2898 SD1 (SSCR 2705) RELATING TO THE AGREEMENT AMONG THE  
STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE  
20 March 2008  
2:25 P.M.  
Conference Room 325

by  
Scott W. Smart

Chairman Waters and members of the House Committee on JUD:

I am testifying strongly AGAINST S.B. 2898 SD1.

The Bill attempts to force the voters of Hawaii to accept the results of Presidential voting in other states as binding on Hawaii. THIS IS WRONG. It seems unlikely that the Founding Fathers, when drafting Article II Section 1, intended or expected that state legislatures would rely on votes taken in other states for direction on appointing Electors.

Further, the bill as written allows a Presidential candidate winning a plurality, but not a majority, of votes to be declared the "national popular vote winner". This is likely to result in a crisis of legitimacy were it to happen, for instance in a three-way contest. I doubt this compact would have the presumed intent of creating legitimacy for the elected Presidential candidate. Rather, it will probably result in large urban centers controlling the election of President. The Hawaii Legislature should be careful about giving this power over so easily to other states -- Hawaii may not always move in political lock-step with certain parties.

Testimony on this bill in the Senate has been received from out of state interest groups. These groups claim that enactment of this bill would result in more attention given by Presidential candidates to Hawaii's voters. It is difficult to see why this would happen; if anything it would encourage candidates to focus solely on large population states. The groups also seem to prefer abolishment of the Electoral College method of electing Presidents. That should be done properly through constitutional amendment, not by this sort of compact which gives the appearance of an "under the table" agreement to ignore the Constitution.

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Please do not abdicate your responsibility as our state legislature to direct the Appointment of Electors in accordance with the will of our voters.

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