

Testimony of Robert A. Holmes
Georgia State Representative 1975–2008
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My name is Robert A. Holmes and I am a former Georgia State Representative who served for 34 years. As Chair of the Governmental Affairs Committee, I was the major sponsor of important voting rights legislation, such as Motor Voter and Early Voting. I am also Emeritus Distinguished Professor of Political Science at Atlanta University and former Director of the Southern Center for Studies in Public Policy. I served as an expert witness in several federal district court cases for the ACLU Voting Rights Project and as a consultant to the Southern Poverty Law Center.

I believe the legislation before the Council is among the most important bills of the half century in terms of its impact on the election of the President of the United States. Its purpose is to ensure that the person who wins that office will be the candidate who receives the most national popular votes in the 50 states and the District of Columbia.

The shortcomings of the current system stem from the winner-take-all rule (i.e., awarding all of a state's electoral votes to the candidate who receives the most popular votes in each state).

Because of the winner-take-all rule, a candidate can win the Presidency without winning the most popular votes nationwide. This has occurred in 4 of the nation's 56 presidential elections (and 1 in 7 of the non-landslide elections). A shift of fewer than 60,000 votes in Ohio in 2004 would have defeated President Bush despite his nationwide lead of 3,500,000 votes.

An even more important shortcoming of the winner-take-all rule is that presidential candidates have no reason to poll, visit, advertise, or organize in states where they are comfortably ahead or hopelessly behind. In 2008, candidates concentrated over two-thirds of their campaign visits and ad money in just six closely divided "battleground" states. A total of 98% went to just 15 states. In other words, voters in two thirds of the states were essentially spectators to the election.

The District is not ignored in presidential elections because it is small. It is ignored because the outcome in presidential elections is a foregone conclusion. New Hampshire (a small state) received 12 of the 300 post-convention visits in 2008—demonstrating that presidential candidates will campaign wherever it makes sense for them to do so. It makes sense to campaign in New Hampshire because it is the single closely divided battleground states among the 12 jurisdictions that have 3 or 4 electoral votes. Meanwhile, the other 12 jurisdictions are ignored.

Maintaining the current system will mean that there will be no campaigning by either the Republican or Democratic Presidential candidates in two-thirds of the 50 states and the District. The National Popular Vote Interstate Agreement will mean that every vote will be equal and that presidential candidates will actively campaign in the District in their attempt to win as many votes as possible nationwide. For the District of Columbia, the National Popular Vote bill will mean that its residents will not longer be among the "forgotten and ignored" voters, which is currently the case in solidly Democratic states and solidly Republican states, as well as the District. The National Popular Vote bill would guarantee that every voter in every state will be politically relevant in every presidential election.

The winner-take-all rule is not in the Constitution. It was not the Founder's choice and was used by only 3 states in the nation's first presidential election in 1789. Maine and Nebraska currently award electoral votes by congressional district — a reminder that an amendment to the U.S. Constitution is not required to change the way the President is elected.

Under the National Popular Vote bill, all the electoral votes from the enacting states would be awarded to the presidential candidate who receives the most popular votes in all 50 states (and DC). The bill would take effect only when enacted by states possessing a majority of the electoral votes — that is, enough electoral votes to elect a President (270 of 538). The bill would

replace the current state-by-state system of awarding electoral votes with a system guaranteeing the Presidency to the candidate who wins the most popular votes in all 50 states (and DC). The bill would guarantee the Presidency to the candidate who receives the most popular votes in all 50 states (and the District of Columbia).

The bill has passed 29 legislative chambers in 19 states (AR, CA, CO, CT, DE, HI, IL, ME, MD, MA, MI, NV, NJ, NM, NC, OR, RI, VT, WA).

This bill has been endorsed by 1,825 state legislators.

The bill has been enacted by state legislatures representing 61 electoral votes — 23% of the 270 necessary to activate the law (Hawaii, Illinois, Maryland, New Jersey, and Washington).

The bill has been endorsed by newspapers such as the *New York Times*, *Chicago Sun-Times*, *Minneapolis Star-Tribune*, *Los Angeles Times*, *Boston Globe*, *Harford Courant*, *Sacramento Bee*, *The Tennessean*, and *Miami Herald*.

The National Popular Vote bill has been endorsed by organizations such as the Sierra Club, NAACP, National Black Caucus of State Legislators, Common Cause, the National Latino Congress, Asian American Action Fund, Public Citizen, FairVote, U.S. PIRG, and Defenders of Wildlife Action Fund.

A survey of 800 District of Columbia voters conducted on February 9–10, 2010 showed 76% overall support for the idea that the President of the United States should be the candidate who receives the most popular votes in all 50 states. Voters were asked “How do you think we should elect the President? Should it be the candidate who gets the most votes in all 50 states, or the current electoral college system?” By political affiliation, support for a national popular vote was 80% among Democrats, 74% among independents, and 48% among Republicans (representing 8% of the respondents). By gender, support was 79% among women and 73% among men. By age, support was 70% among 18-29 year olds, 66% among 30-45 year olds, 83% among 46-65 year olds, and 81% for those older than 65. By race, support was 84% among African-Americans, 66% among whites, 50% among Hispanics (representing 5% of the respondents), and 87% among others (representing 4% of the respondents). Support was 81% among union households and 76% among others. Support was 65% in Ward 1, 64% in Ward 2, 69% in Ward 3, 78% in Ward 4, 77% of Ward 5, 81% in Ward 6, 92% in Ward 7, and 78% in Ward 8. The survey was conducted by Public Policy Polling, and has a margin of error of plus or minus 3 1/2%.

State polls show strong support for a national popular vote (AK–70%, AR–80%, CA–70%, CO–68%, CT–74%, DC–76%, DE–75%, FL–78%, ID–77%, IA–75%, KY–80%, ME–77%, MA–73%, MI–73%, MS–77%, MO–70%, NH–69%, NE–74%, NV–72%, NM–76%, NY–79%, NC–74%, OH–70%, OK–81%, PA–78%, RI–74%, SD–75%, UT–70%, VT–75%, VA–74%, WA–77%, WI–71%, and WV–81%). Support is strong in every demographic group.

The National Advisory Board of National Popular Vote includes former congressmen John Anderson (R–Illinois and later independent presidential candidate), John Buchanan (R–Alabama), Tom Campbell (R–California), and Tom Downey (D–New York) and former Senators Birch Bayh (D–Indiana), David Durenberger (R–Minnesota), and Jake Garn (R–Utah).

Additional information is available in our book *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote* and at www.NationalPopularVote.com.