



NPVct Public Hearing & Testimony Guide

General Administration and Elections Committee Public Hearing

Date **TBD**

Legislative Office Building (Room TBD)

300 Capitol Avenue, Hartford

A large presence of NPV advocates at the public hearing for the National Popular Vote bill, H.B. 5421, is an important display of the strength of our grassroots movement. This Guide offers information to help you prepare and present written and in-person testimony. Find information about the National Popular Vote Compact at the end of this guide.

Overview

How you can participate in the public hearing

1. Attend the public hearing as an observer
2. Submit written testimony (with or without attending in person).
3. Attend the public hearing and testify in person

1. Attending in person

- Hearings usually start at **10am**, always in the Legislative Office Building. Showing up early (**9:00-9:15am**) to get a seat is advisable. We will hand out buttons so you are identified as an NPV advocate.
- The hearing is likely to go all day. While it's helpful to be present at the outset so we start with a show of strength, coming later in the day is fine.

2. Submitting written testimony

- Regardless of whether you attend in person or not, submitting written testimony is another way to show our strength.
- You don't have to be an expert or write lengthy testimony; a few paragraphs are fine, most important it needs to be your personal statement of why NPV is important to you.

3. Testifying in person

- Last year's hearing was so successful due to the large number of Connecticut citizens testifying in support of NPV, whereas the opposition mainly had out-of-state "professionals."
- Testifying in person is not as daunting as it seems. You only have three minutes to speak, and it's fine to read from prepared remarks.



1. Attending the hearing in person

Directions & Parking

- Hearings are generally held in the Legislative Office Building (LOB), 300 Capitol Ave in Hartford. TV monitors at LOB and Capitol entrances show the locations.
- Visitor parking is available on the first floor and basement of the Legislative Office Garage. Access garage from the service road off Capitol Ave across from Hungerford St. The entrance to the basement lot is around the corner after the entrance to the first floor of the garage.
- On-street metered parking is also available nearby on any of the side streets that run perpendicular to Capitol Ave. Additional garage parking is available at 21 Oak Street.

2. Submitting written testimony

For testimony to be included in the record (regardless of whether you are testifying in person), you must email it in Word or PDF format to gaetestimony@cga.ct.gov. The cover email should include your name and town, the bill number, H.B. 5421 and that you are offering testimony in support of the bill. The email subject line should be, "Testimony in support of H.B. 5421"

It helps to email your testimony the evening before the hearing, **but it can be submitted anytime during the day of the hearing.**

3. How to testify in person

How do I sign up? To testify in person, you must sign-up on the sign in sheet that will be available the morning of the hearing, starting at **8:30am**. We will notify you where to sign up (or ask an officer at the security checkpoint). The General Administration and Elections Committee **usually assigns the speaking order by lottery for those who have signed up by the cutoff time (9:30 to 10:00am). However, you may still sign up while the hearing is in session, but you will be put at the end of the list. If you cannot get there to sign up early, contact us at npvconnecticut@gmail.com and we may be able to help.**

How much time to I have? You will have just three minutes for your testimony. You may submit a longer written statement and summarize your remarks for delivering in person. We recommend writing your in-person testimony; it's fine if you want to read from the page.

Do I need to submit written testimony? For testimony to be included in the record, you must email it in Word or PDF format to gaetestimony@cga.ct.gov. See above for directions.

Do I need to bring copies of my testimony? You do not need to provide copies, but if you want to (sometimes legislators will have with them at the hearing), you should make **22** copies for all members of the committee, and a few for the staff. Hand in written testimony before the



hearing begins so committee staff can distribute it to members of the Committee.

What time will I testify? The first hour of the hearing is reserved for legislators, constitutional officers and other officials. Next the Committee will call the general public in an order they determine (usually speaking slots are assigned by lottery from the list of those who signed up by the early sign-up cutoff time (00am). People who sign up after the cutoff will be placed at the end of the list. Usually testimony is heard on multiple bills during the course of hearing, with testimony shifting from one bill to the next.

The hearing is likely to go all day long, possibly into the evening or even later, so you may have to wait a long time to testify. HOWEVER, even if you aren't able to stay to deliver your testimony, your presence makes an important statement (we make sure Committee members know you're with us with buttons, etc.). Also, if emailed to gaetestimony@cga.ct.gov your testimony will be part of the written record.

What do I do when it's my turn? When you are called, go to the speaker's desk. You may begin with "Chairs and distinguished members of the Committee." Introduce yourself clearly so the transcriber gets your name, say the town where you reside, and the number and title of the bill for which you are testifying: H.B. 5421, *An Act Adopting The Interstate Compact To Elect The President By National Popular Vote*.

Indicate right away that you support the bill. Then explain your reasoning, making it as personal as you can. Additional guidance is offered below.

Keep your remarks short; three minutes is all the time you will be given, and they usually don't let you go over. If other speakers have already made your point, you can say that you agree with their remarks, which may let you touch on other points not previously discussed. If there is an issue that was brought up previously that you do not believe was adequately addressed, you can respond. When you finish, remain at the microphone in case committee members want to ask questions. Answer concisely and respectfully even when you are being challenged or your remarks misconstrued. Then return to your seat or leave the hearing, as you wish.

Legislators will leave and re-enter the room from time to time. But all testimony is recorded so they can watch it later or read the written testimony.

A hearing is an important step in the process of making law, so it is a formal occasion. Please give your courteous attention to other speakers, regardless of their views. Don't applaud or indicate pleasure or displeasure with anyone's remarks.

Preparing your testimony (written or in person)

Written testimony should no longer than it takes you to read at a reasonable pace, in three minutes. Rushed or incomplete testimony is less effective. Testimony is most effective when it is personal. To be effective it must be in your own words, even if draws on the talking points included later in this document. Talk about why the bill is important to you. Your testimony does not need to be comprehensive (you don't have the time or space). It's fine to focus on



one aspect that resonates, or respond to one challenge that you find particularly vexing.

To prepare, you may optionally want to review news articles, opinion pieces and testimony from past sessions (it's not necessary!). Last year's public hearing testimony can be downloaded [here](#).

The Connecticut Network (CT-N.com) archives public hearing video, and has a wealth of information, including [videos](#) on testifying at hearings.

Testimony template (written or in person) for GAE Committee

Co-chairs Fox, Flexer and McLachlan and distinguished members of the GAE Committee:

My name is [Insert your full name], I am from [city or town]. I am [mention your organization or group affiliation, or other appropriate and relevant information]

I am testifying in support of proposed House Bill No. 5421, *An Act Adopting The Interstate Compact To Elect The President By National Popular Vote*.

- Explain why the issue of making every vote matter, and guaranteeing the presidency to the candidate who gets the most popular votes in all 50 states, is important to you.
- Why do you advocate for NPV? What got you involved with the cause?
- What, for you, are the strongest reasons to support the NPV Compact?
- What evidence (facts, quotes from influential, etc) best supports your case?
- Close by asking committee members to vote yes on H.B. 5421 and thank them for their time and attention.



Information on the NPV Compact to help prepare your testimony

Overview of the National Popular Vote Compact

The National Popular Vote Interstate Compact is an agreement among states to elect the President according to the will of the majority in a manner consistent with the Constitution. It's a nonpartisan solution to make everyone's vote for president matter—regardless of whether they live in blue, red or battleground states—and to make the winner the candidate with the most votes, just the way members to the CT General Assembly are elected.

States that join the Compact pledge to award their electors to the candidate who receives the most popular votes in all 50 states. The Compact comes into force once it has been adopted by states that collectively have 270 electoral votes, the number needed to elect the President.

To date, 10 states and the District of Columbia have joined the Compact, representing 165, or 61 percent, of the 270 electoral votes needed for the Compact to take effect.

10 Reasons to support the National Popular Vote Compact

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1. **The National Popular Vote Interstate Compact is a nonpartisan solution to make everyone's vote for president matter**—regardless of whether they live in blue, red or battleground states—and to make the winner the candidate who receives the most votes, just the way members to the CT General Assembly are elected.
2. **The League of Women Voters endorsed the Compact** in 2010 saying, “We support the use of the National Popular Vote Compact as one acceptable way to achieve the goal of the direct popular vote for election of the president until the abolition of the Electoral College is accomplished.”
3. **Candidates ignore Connecticut because it's reliably blue**, just as they ignore other predictably Republican and Democratic states. Of the nearly 400 general election campaign events in 2016, 94% were held in the 12 battleground states; only one was held in CT.
4. **The Compact has widespread public support.** In a 2009 Public Policy Polling survey of CT voters, three-quarters of Democrats and two-thirds of Republicans agreed that the President should be the candidate who receives the most popular votes in all 50 states. In a 2017 nationwide survey conducted by Make Every Vote Count, 7 of 10 U.S. adults favored a national popular vote.
5. **The Compact upholds federalism**; it isn't an “end-run” on the Constitution. Article II gives exclusive power to the states to decide how to vote their electors: “Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors.” It wasn't until the



1820s that states began adopting the winner-take-all method of voting electors that renders voters in spectator states like CT irrelevant.

6. **Candidates will still pay attention to rural areas and small towns**, just as statewide candidates in Connecticut visit small and rural towns. When candidates campaign in battleground states they visit all parts of the state, not just the urban centers like Philadelphia, Detroit and Miami.
7. **Connecticut voters casting ballots for Republican presidential candidates could have stayed home for the last quarter century**; their votes didn't matter. A Republican hasn't won Connecticut's Electoral College vote since George H.W. Bush in 1988. It's time to stop disenfranchising these voters.
8. **The Compact is not a response to the 2016 election**; it has been considered by the CT General Assembly six times over the past decade. It was voted out of the GAE Committee on bipartisan votes until 2017, it passed the House in 2009.
9. **Battleground states get more federal dollars**. On average, they receive 7.5% more of the hundreds of billions of federal grant dollars than other states. CT is losing out because our voters don't matter.
10. **The Compact has received bipartisan support in many states**, most recently passing the NY legislature in 2014 (48 of 68 Republicans and 111 of 128 Democrats voted in favor). The bill has been introduced in all 50 states at one time or another, and has passed in 35 legislative chambers in 23 states, including red and purple states such as AR, AZ, CO, NC, NV, OK. To date more than 3,100 state legislators have either co-sponsored or cast a vote for NPV Compact bills. With 10 states and D.C. in the Compact, representing 165 electoral votes, the Compact is more than halfway to the 270 votes required for it to come into effect.

Taking on Myths about the National Popular Vote Interstate Compact

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These are the most common critiques of the Compact and why we believe they don't have merit.

1. The Compact is an “end run” around the Constitution

As befits our federal system of government, the Constitution leaves it up to the states to decide how to vote their electors. It reads, “Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors.” It wasn't until the 1820s that states began adopting the winner-take-all method of voting electors that is today used by 48 of the 50 states. The Compact does not abolish the Electoral College, it merely provides for a different method for states to vote their electors.

2. The Compact will disenfranchise Connecticut voters because the state may cast



its electoral votes for a candidate who did not win the state’s popular vote

The Compact does exactly the opposite; it makes every vote matter. In the 2016 election, 673,215 CT voters cast their ballot for Trump. Because we use winner-take-all, their votes made no difference to the outcome. They could have all stayed home and the Electoral College count for Trump would have been exactly the same. In fact, for the past 30 years no vote cast for a Republican presidential candidate in CT had any impact on the outcome.

There is no such thing as the "Connecticut vote." Individuals cast votes; that's how they should be reflected in vote counts, as they do every other election in the country. Saying our votes don't matter because the nation votes differently than Connecticut is like saying a town’s voters are disenfranchised because the majority in the town voted for the Republican gubernatorial candidate but the state overall went for the Democratic candidate.

Most voters look at overall election results, not just the state outcome. That’s why in a just conducted poll, 78% of Connecticut voters, including 92% of Democrats and 62% of Republicans agree that the person with the most votes nationwide should be elected president.

3. The Compact isn’t fair because the votes of large cities will dominate rural areas and liberal voters in New York and California will decide the election

There are fewer than 50 cities with a population of more than 500,000. It’s the 87% of the population living outside large cities (15% in rural areas) that would have voting power in a direct election. In battleground states such as Pennsylvania and Florida, candidates today canvass the entire state, not just Philadelphia and Miami. In CT, candidates for statewide office campaign all across the state because every voter is as important as the next, and cities alone do not determine the election.

Suggesting that voters in NY and CA will overwhelm all other voters is impossible. Democratic-leaning voters in the two states make up only 9% of the U.S. voter population.

	% Population	% Dem/ Lean Dem	% Rep/ Lean Rep
CA	12.1%	51%	30%
NY	6.1%	52%	29%
CA & NY	18.2%	9.3%	5.4%

4. The founding fathers created the Electoral College to protect small states

While it is true that low population states have a disproportionate number of electoral votes compared to larger population states, the Electoral College was not designed to protect small states. The intent of allocating electoral votes equal to the number of a state’s Congressional seats was done to give slave-owning states more influence than they would have had with a direct vote.

¹ Making Every Vote Count, CT Voter Survey, Feb. 6, 2018



A direct election of the president would have disadvantaged southern states whose slaves could not vote. As James Madison said, “The right of suffrage was much more diffusive (extensive) in the Northern than the Southern States; and the latter could have no influence in the election on the score of Negroes.”

Because slaves accounted for three-fifths of a person for purposes of assigning U.S. Representatives, the Electoral College gave southern states more influence relative to northern states than under a popular vote. The scheme worked; slave owners from Virginia won the presidency in eight of the nine elections following ratification of the Constitution.

Today, it’s only the battleground states that matter, and a majority of them have larger than average populations. The voters in small states like Connecticut don’t matter.

5. We’re a republic, not a democracy—states should decide who is president

As the term is used in the Constitution, a republican form of government is when citizens do not rule directly, but instead elect officeholders to represent them and conduct the business of government in the period between elections. That doesn’t change based on how a state votes its electors. We will continue to be a constitutional democracy under the Compact.

6. A state could sabotage the Compact by withdrawing at the last minute, or refusing to certify its vote count, or not delivering the vote count prior to the meeting of the Electoral College

The Compact contains a six-month blackout period from July 20 of each presidential year through the inauguration. During this period, states may not withdraw from the Compact. The Compact is legally enforceable just as are the many interstate compacts currently in force.

Presidential elections don’t depend on the willingness of Secretaries of State to certify their own state’s election returns. No SOTS has the power (because of both state and federal laws) to prevent the popular vote from his or her state from being counted. Federal law requires creation and delivery of a certificate containing the popular vote count for President prior to the meeting of the Electoral College.

Every state has a law providing a statutory deadline for certification of the popular vote count for President by a specific date (long before the meeting of the Electoral College in mid-December). Refusal of a rogue Secretary of State to certify his or her state’s popular vote count would disenfranchise the state’s voters, who could obtain a court order compelling compliance with state and federal law.

7. The Constitution prohibits interstate compacts

Although Article I, Section 10 of the Constitution provides that "No State shall, without the Consent of Congress... enter into any Agreement or Compact with another State," not all compacts between states require explicit Congressional approval. In 1893 the Supreme Court ruled in *Virginia v. Tennessee* that only those agreements that would increase the power of states at the expense of the federal government require Congressional approval.



Under Article II, Section I of the Constitution states have the exclusive right to choose their electors: “Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors”

The Supreme Court would likely consider the compact under the “Political Consent” Compact Clause theory. This reasoning evaluates whether the compact contains a political subject affecting federal interests or the interests of non-compacting sister states, in which case congressional consent is required (*U.S. Steel Corp. v. Multistate Tax Commission*).

The Compact does not interfere with non-compacting states, whose votes would be counted towards the national popular vote, and therefore may be formed without congressional approval.

8. We should stay with the status quo because there might unintended consequences

The Compact has been thoroughly researched. It is backed up by a 1,000+ page book reviewing every detail. “Unintended consequences” is one of the specific concerns that the National Popular Vote organization has considered.

When states switched to a direct election of their chief executives there were no undesirable impacts. In 1787, only five states (including Connecticut) conducted popular elections for the office of Governor. During the late 18th and early 19th centuries, the states switched, one-by-one, to direct popular elections of Governors. Today, 100% of the states elect their Governors by direct popular vote. After over 5,000 direct popular elections for Governor in over two centuries, no state has ever decided to eliminate its direct popular election for Governor.

The fact that the League of Women Voters [endorses](#) the Compact — after several years of careful consideration, should allay concerns.

Moreover, there are unintended consequences, very serious ones, of the current winner-take-all system. Twice in the past five elections the will of the majority has been thwarted. In 2000, that led to the Supreme Court deciding the election, surely not a good consequence. Neither is it good for 38 states to sit on the sidelines while 12 battleground states determine who occupies the White House.

9. The Congressional District method of awarding electoral votes is more fair

While the Congressional District method, where a state’s electoral votes are determined by the popular vote in each district, and the overall winner gets the two additional electoral votes, sounds like a fairer division of electoral votes however it is actually much worse.

As a result of gerrymandering, the vast majority of Congressional districts are reliably blue or red. Candidates would have no need to campaign except in competitive districts. According to the nonpartisan Cook Political Report, only 33 of the 435 House seats are competitive. Instead of a dozen battleground swing states deciding who would be president, the winner would be determined by 33 “battleground districts” that account for only eight percent of the population.



10. The Compact should be put to a referendum, let the people decide

Referring the decision to voters is unnecessary and would represent a radical departure from more than 200 years of history.

In the entire history of the U.S., never has a state enacted, amended, or repealed its winner-take-all law (or any other law providing any other method of choosing presidential electors) by ballot initiative, referendum, or referral process. It has always been the state legislature itself.

The Constitution is clear: “Each State shall appoint, in such Manner as the **Legislature** thereof may direct, a Number of Electors.”

11. Democrats are pushing the Compact just because Hillary lost to Trump

The Compact is not new, and not partisan. Bills have been introduced in the CT General Assembly five times over the past 10 years. It passed the House in 2009, and was voted favorably out of Committee in 2011, 2013, 2014 and 2017. The non-partisan League of Women Voters endorses it. President Trump supports the popular vote, saying in a 60 Minutes interview after the election, “I would rather see it where you went with simple votes.” In 2014 Newt Gringrich wrote, “America would be better served with a presidential election process that treated citizens across the country equally. The National Popular Vote bill accomplishes this.”

