

Testimony on AB186 – National Popular Vote

Senate Legislative Operations and Elections – April 24 2019

For the record, Jim DeGraffenreid, Vice Chairman of the NV Republican Party, and Chairman of the Douglas County Republican Party.

We oppose AB186 because it would result in the loss of Nevada's voice in the Presidential election process. This is not a partisan issue – Nevada is a "battleground" state, receiving significant attention from presidential candidates of both parties. Our "First in the West" caucus creates significant opportunities for all Nevadans, as Assemblywoman Benitez-Thompson accurately pointed out prior to the Assembly vote on this bill, where she was joined by four of her colleagues in opposing this bill. They recognized how important the Silver State's status is to all Nevadans, regardless of party affiliation.

The Electoral College exists because the framers of the Constitution believed that each state should matter in selecting the President. To suggest that a state should disregard its own voters and instead follow the will of voters in some other state is the exact opposite of what the framers intended.

Properly amending the Constitution requires a supermajority of 2/3 of Congress or the states to first propose an amendment, and then a full three fourths of the states must ratify any amendments. Even if the NPV compact is ultimately found to be technically Constitutional, it remains a constitutional trick to neuter the Electoral College that can be forced on the nation by a minority of the states. This is fundamentally unfair, and offensive to the amendment process specified in the Constitution.

Under this compact, campaigns will naturally concentrate their efforts on large states and metropolitan areas, because its more efficient. A candidate can reach a population much larger than the entire state of Nevada in any of America's largest cities, and do so more easily. Supporters of NPV say that "every vote will count", but under NPV candidates don't need every vote – they don't even need a majority, only a plurality, and it's much easier for them to collect those votes in large urban areas.

We often hear the argument that National Popular Vote would correct the so-called failure of the Electoral College which occurs when the winner of the popular vote does not win the Electoral vote. However, it's important to note that this is not a failure. Under the Constitutional system, candidates are not trying to win the popular vote, so it's actually kind of accidental when they do, at least in a close race. No hockey game has ever been decided by how many touchdowns the winning team scored, because hockey players aren't trying to score touchdowns. I think everyone on both sides of this issue today can agree that candidates will campaign differently if the goal is to win the popular vote. There's simply no way to know who would have won the popular vote in any past election because no candidate was ever trying to do so.

In summary, neutering the Electoral College in this way reduces Nevada's importance, returning us to the irrelevance in the Presidential selection process we suffered before the First in the West caucus was implemented.

We know we have a voice in the process under the current system, and I ask the committee to consider that we are Nevadans first, and to protect all Nevada voters by opposing this legislation.