

Colorado State Senate, State, Veterans, and Military Affairs Committee
SB 19-042 National Popular Vote Hearing
Sylvia Bernstein
1111 Jay Street, Boulder, CO 80302

Chairman Foote, Vice Chair Court and distinguished members of the Committee; My name is Sylvia Bernstein and I'm a retired business owner from Boulder. I am testifying in support of proposed Senate Bill 19-042, the National Popular Vote.

I would like to address one of the common misperceptions about electing our president by popular vote, namely that under the National Popular Vote Compact Presidential candidates will only campaign in large urban centers and ignore rural areas and small towns.

Just as statewide candidates in Colorado visit small towns and rural communities, Presidential candidates will still need to campaign in suburban, exurban, and rural communities to receive enough votes to win the White House. There is a misperception that campaigning in the largest cities in the United States will yield enough votes to win the presidency. This is simply not true. The origins of this myth may stem from the misconceptions that big cities account for a greater fraction of the nation's population than they actually do. In fact, as of July 1, 2017 the 50 largest cities in the United States only comprised 15% of the population, and approximately 37% of their party-affiliated voters are registered Republicans. To put this group of 50 cities in perspective, Wichita, KS is the nation's 50th biggest city and it had a population of 390,591. To put it another way, 85% of the population of the United States lives in places with a population of less than 390,000.

The 100 largest cities in the United States, only comprise approximately 20%, or one fifth, of the entire country. This is still not enough votes to hand any candidate an election, even if you make the far-fetched assumption that a candidate took 100% of that vote.

If Democratically dominated big cities truly controlled the outcome of elections, every Governor and every U.S. Senator in every state with a big city would be a Democrat. In reality, however, there are examples of Republicans who have won races for Governor and U.S. Senator from every state with a big city. In fact, Republicans currently hold the majority of both Governorships and Senate seats.

To summarize, in a nationwide popular election for President, a vote cast in a big city would be no more, or no less, valuable or important than a vote cast in a suburb, a small town, or a rural area. What matters is that every vote should count equally, no matter where you live. Please vote yes for Senate Bill 19-042. Thank you.

Attachment: [NPV Large Cities Table]

100 Largest Cities in the U.S. (2017)

Sylvia Bernstein Testimony, HD19-042

Size Rank	City	State	Population	Source	Size Rank	City	State	Population	Source
1	New York	New York	8,622,698	nyc.gov	51	Cleveland	Ohio	385,525	city.cleveland.oh.us
2	Los Angeles	California	3,999,759	lacity.org	52	Tampa	Florida	385,430	tampagov.net
3	Chicago	Illinois	2,716,450	cityofchicago.org	53	Bakersfield	California	380,874	bakersfieldcity.us
4	Houston	Texas	2,312,717	houstontx.gov	54	Aurora	Colorado	366,623	auroragov.org
5	Phoenix	Arizona	1,626,078	phoenix.gov	55	Anaheim	California	352,497	anaheim.net
6	Philadelphia	Pennsylvania	1,580,863	phila.gov	56	Urban Honolulu	Hawaii	350,395	honolulu.gov
7	San Antonio	Texas	1,511,946	sanantonio.gov	57	Santa Ana	California	334,136	ci.santa-ana.ca.us
8	San Diego	California	1,419,516	sandiego.gov	58	Riverside	California	327,728	riversideca.gov
9	Dallas	Texas	1,341,075	dallascityhall.com	59	Corpus Christi	Texas	325,605	cctexas.com
10	San Jose	California	1,035,317	sanjoseca.gov	60	Lexington-Fayette	Kentucky	321,959	lexingtonky.gov
11	Austin	Texas	950,715	austintexas.org	61	Stockton	California	310,496	stocktongov.com
12	Jacksonville	Florida	892,062	coj.net	62	St. Louis	Missouri	308,626	stlouis-mo.gov
13	San Francisco	California	884,363	sfgov.org	63	St. Paul	Minnesota	306,621	stpaul.gov
14	Columbus	Ohio	879,170	cityofcolumbus.org	64	Henderson	Nevada	302,539	cityofhenderson.com
15	Fort Worth	Texas	874,168	fortworthtexas.gov	65	Pittsburgh	Pennsylvania	302,407	pittsburghpa.gov
16	Indianapolis	Indiana	863,002	indygov.org	66	Cincinnati	Ohio	301,301	cincinnati-oh.gov
17	Charlotte	North Carolina	859,035	charmeck.org	67	Anchorage municipi	Alaska	294,356	muni.org
18	Seattle	Washington	724,745	seattle.gov	68	Greensboro	North Carolina	290,222	greensboro-nc.gov
19	Denver	Colorado	704,621	denver.org	69	Plano	Texas	286,143	plano.gov
20	Washington	District of Colur	693,972	dc.gov	70	Newark	New Jersey	285,154	ci.newark.nj.us
21	Boston	Massachusetts	685,094	cityofboston.gov	71	Lincoln	Nebraska	284,736	lincoln.ne.gov
22	El Paso	Texas	683,577	elpasotexas.gov	72	Orlando	Florida	280,257	cityoforlando.net
23	Detroit	Michigan	673,104	detroitmi.gov	73	Irvine	California	277,453	cityofirvine.org
24	Nashville-Davidson	Tennessee	667,560	nashville.gov	74	Toledo	Ohio	276,491	toledo.oh.gov
25	Memphis	Tennessee	652,236	memphistn.gov	75	Jersey City	New Jersey	270,753	cityofjerseycity.com
26	Portland	Oregon	647,805	portlandonline.com	76	Chula Vista	California	270,471	chulavistaca.gov
27	Oklahoma City	Oklahoma	643,648	okc.gov	77	Durham	North Carolina	267,743	durham-nc.com
28	Las Vegas	Nevada	641,676	lasvegasnevada.gov	78	Fort Wayne	Indiana	265,904	cityoffortwayne.org
29	Louisville	Kentucky	621,349	louisvilleky.gov	79	St. Petersburg	Florida	263,255	stpete.org
30	Baltimore	Maryland	611,648	baltimorecity.gov	80	Laredo	Texas	260,654	ci.laredo.tx.us
31	Milwaukee	Wisconsin	595,351	city.milwaukee.gov	81	Buffalo	New York	258,612	ci.buffalo.ny.us
32	Albuquerque	New Mexico	558,545	cabq.gov	82	Madison	Wisconsin	255,214	cityofmadison.com
33	Tucson	Arizona	535,677	tucsonaz.gov	83	Lubbock	Texas	253,888	mylubbock.us
34	Fresno	California	527,438	fresno.gov	84	Chandler	Arizona	253,458	chandleraz.gov
35	Sacramento	California	501,901	cityofsacramento.org	85	Scottsdale	Arizona	249,950	scottsdaleaz.gov
36	Mesa	Arizona	496,401	cityofmesa.org	86	Reno	Nevada	248,853	cityofreno.com
37	Kansas City	Missouri	488,943	kcmo.gov	87	Glendale	Arizona	246,709	glendaleaz.com
38	Atlanta	Georgia	486,250	atlantaga.gov	88	Norfolk	Virginia	244,703	norfolk.gov
39	Long Beach	California	469,450	longbeach.gov	89	Winston-Salem cit	Arizona	244,605	cityofws.org
40	Omaha	Nebraska	466,893	cityofomaha.org	90	North Las Vegas	Nevada	242,975	cityofnorthlasvegas.com
41	Raleigh	North Carolina	464,758	raleigh-nc.org	91	Gilbert	Arizona	242,354	gilbertaz.gov
42	Colorado Springs	Colorado	464,474	coloradosprings.gov	92	Chesapeake	Virginia	240,397	cityofchesapeake.ne
43	Miami	Florida	463,347	miamigov.com	93	Irving	Texas	240,373	cityofirving.org
44	Virginia Beach	Virginia	450,435	vbgov.com	94	Hialeah	Florida	239,673	hialeahfl.gov
45	Oakland	California	425,195	oaklandnet.com	95	Garland	Texas	238,002	garlandtx.gov
46	Minneapolis	Minnesota	422,331	ci.minneapolis.mn.us	96	Fremont	California	234,962	fremont.gov
47	Tulsa	Oklahoma	401,800	cityoftulsa.org	97	Richmond	Virginia	227,032	richmondgov.com
48	Arlington	Texas	396,394	arlington-tx.gov	98	Boise City	Idaho	226,570	cityofboise.org
49	New Orleans	Louisiana	393,292	nola.gov	99	Baton Rouge	Louisiana	225,374	brgov.com
50	Wichita	Kansas	390,591	wichitagov.org	100	Des Moines city	Iowa	217,521	dmgov.org
Total population of top 50 cities				50,419,475	Total population of top 100 cities				64,487,054
% of U.S. population **				15%	% of U.S. population				20%

Notes:

*Population estimates as of July 1, 2017,

U.S. Census - Population Estimates Data (Table PEPANRRSIP)

** U.S. population in 2017 was 325,700,000

<https://www.census.gov/quickfacts/fact/table/US/PST045217>

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January 23, 2019

Chairman Foote, Vice Chair Court and distinguished members of the Committee. Good afternoon. My name is Helen Kelly. I am a research writer from Erie testifying in support of proposed Senate Bill 19-042, the National Popular Vote.

When I speak of support for this bill, people often say, with a bit of taunt perhaps, well, if the popular vote is such a good idea, why are our legislators voting on the question of Compact membership? why aren't the people of Colorado voting directly on it?

I am always glad for that question, because my answer is one reason I strongly support this bill and encourage you to do likewise

A proposal to bypass electors and move directly to statewide popular vote on the Compact would on many levels itself become a tightly-contested legislatively-tangled campaign certain to delay a decision by the 2020 election. However, submitting this measure to the vote by current practice offers a stupendous opportunity to increase engagement in civic participation and significantly increase voter turnout.

The Compact offers incontestable evidence that every vote does count. It is an opportunity to market the idea of engagement, of respect for the individual; a chance to explain the electoral process including the Electoral College. This Compact can be the bridge from alienation to interest in citizenship; can open a thorny yet welcome debate on the nature of equality; can spawn pride in understanding complexities, the excitement of being informed, and a determination to make one's voice heard.

And if that isn't reason enough to pass this bill, those facing methodical, insidious voter suppression efforts elsewhere in the country will know: my vote matters, and I won't succumb.

Page Two Helen Kelly In support of Bill 19-042 1-23-2019

I point here to Switzerland, where national popular vote is the *modus vivendi*; where four times a year citizens vote on a formal agenda of initiatives and legislative matters, and on an occasional basis when anyone - a member of the public or an elected official - introduces a new matter requiring a vote. This national popular vote system works hand in hand with an education system that prepares people to adjudicate as part of their national responsibility, and the whole is greater by orders of magnitude than the sum of these parts.

This is my vision for America: an enlightened citizenry, enlivened by debate and informed voting. It may not be in everyone's vested interest, but it will, mark my words, be necessary for our survival, and this opportunity to join the National Popular Vote Compact is the ideal starting point.

I hope you agree that we ignore this opportunity to our peril.

Helen Kelly

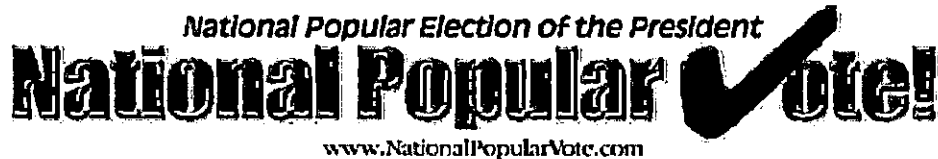
January 23, 2010

Members of the Colorado Senate State, Veterans, & Military Affairs Committee:

Regarding SB19-042, the National Popular Vote bill, I urge you to move this legislation forward and support its passage. It is extremely important to the integrity of our democracy that our country's presidential elections be conducted in a manner that allows every citizen's vote to matter and results in the election of the candidate who has the support of the majority of Americans. Since the "winner takes all" approach used by most states to allocate electoral votes is what interferes with this standard of fairness, the proposed legislation is a brilliant way to correct the problem without creating any conflict with the US Constitution. It deserves your very most serious consideration, and I ask you to support it wholly. Thank you very much.

Sincerely,

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The Most Common Objections to the National Popular Vote

The National Popular Vote is the only way every vote is equal and matters in every presidential election no matter where the voter lives. The National Popular Vote compact has been debated in many states over the last twelve years with some common myths emerging during that time.

Objection: The National Popular Vote compact abolishes the electoral college.

Answer: No, and in fact it works within the current electoral college just as the U.S. Constitution envisioned. States have the plenary power to allocate electors however they choose under Article II, Section I of the United States Constitution. National Popular Vote is a compact between states. Once enough states totaling 270 electoral votes join the compact (approximately 20-25 states), the agreement goes into effect and the states pledge their respective electoral college votes to the Presidential candidate who wins the most votes nationwide. Eleven states and the District of Columbia, totaling 172 electoral college votes, have already joined the compact. In 2019, the following states, totaling 57 electoral college votes, have introduced legislation to join the compact: CO, OR, MN, NV, NM, ME, MI. If these 7 states join the National Popular Vote compact, 18 states and D.C. (totaling 229 electoral college votes) will be members of the compact.

Objection: National Popular Vote would mean voters in big cities control the outcome of presidential elections.

Answer: False. First of all, this claim assumes all voters in large cities will vote for the same candidate; that has never happened. Second, an analysis of our population shows the 100 biggest cities contain approximately one-sixth of our country's population (and vote 63% Democratic). The rural parts of our country also contain about one-sixth of our population (and vote 60% Republican). Suburban and exurban areas comprise the remaining two-thirds (and split their votes 50/50). No one area will control who wins the presidency when every vote is equal.

Objection: The current electoral college system was designed to protect small states and the National Popular Vote favors the big states.

Answer: False and false. The U.S. Constitution built in several mechanisms to protect small states from the big states including over-representation in the U.S. Senate, Federalism and the 10th Amendment, a robust separation of powers, and an independent judiciary among other provisions. The electoral college was never contemplated to serve the same function. Furthermore, under the current electoral allocation system approximately 38 states, including the 12 smallest states (AK, ID, MT, ND, SD, WY, DE, HI, ME, RI, VT), are completely ignored by the Presidential

campaigns of both major parties. If the current winner-take-all allocation used in 48 states was supposed to help small states, it is doing an exceedingly poor job of doing so.

Objection: The electoral college mandates a statewide winner-take-all approach.

Answer: False. The Founders never required or even mentioned a winner-take-all approach in the Constitution or the Federalist Papers. States have used a variety of methods to select electors in our history. In fact, the majority of states did not use a winner-take-all system until our 11th Presidential election. Even today, two states use a congressional district allocation system rather than statewide winner-take-all. Colorado's legislature chose its electors in the 1876 election and then switched to a statewide winner-take-all system afterwards.

Objection: Colorado will lose its "battleground state" status and the attention that brings if it joins the National Popular Vote compact.

Answer: All states will lose "battleground" status with a National Popular Vote and that helps ensure each voter has an equal voice in the election. Additionally, a state is typically only a battleground state for three Presidential elections. Colorado was a battleground state in 2008, 2012, and 2016. According to the Cook Report and conservative and liberal political commentators, Colorado is unlikely to keep that status in 2020.

Objection: The National Popular Vote is simply a response by the losing party to the 2016 Presidential election.

Answer: False. Congress first introduced a national popular vote resolution in 1969 and then again in 1979. Both joint resolutions enjoyed broad bipartisan support. The first National Popular Vote Compact bill was introduced in 2006. Over 2,800 state legislators, one-third of whom were Republican, have co-sponsored similar bills throughout the country.

Objection: The National Popular Vote compact changes the United States from a Republic to a democracy.

Answer: False. The National Popular Vote compact changes nothing about the function of our governments. The United States of America will remain a Republic with elected officials at the local, state, and federal level who represent the American people.

Learn about additional objections and answers at www.NationalPopularVote.com

Hi, my name is Joanie Crockett. I live in Estes Park. I am on the Board of the Estes Park League of Women Voters. I am representing myself, but I am also speaking on behalf of the Board members of our League. I am in favor of the National Popular Voters Compact. On October 29th I organized a League Luncheon in which Linda Sornauf came up to our community to present a program on the National Popular Vote. We had 53 people sign up for lunch and the program. Those in attendance were very excited about the prospect of having a popular vote win the presidential election. I would urge you to move forward out of committee and to the senate floor.

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