



**LEAGUE OF WOMEN VOTERS[®]
OF COLORADO**

Testimony on SB17-099 National Popular Vote Agreement

By Nancy Crow, League of Women Voters of Colorado, President Elect

Thank you Chair, Senator Ray Scott, Vice Chair, Senator Vicki Marble, and members of the Committee.

I am Nancy Crow representing the League of Women Voters of Colorado. The League of Women Voters is a non-partisan political organization that works to improve government and public policies through citizen education and advocacy.

The League supports SB17-099 in order to correct a basic anomaly in the US Constitution, the Electoral College:

It has become commonly accepted that the winner of an election is the person who receives the most popular votes. Four times in our history this has not been the case when electing the President. This seems to defy the notion of one-person one-vote.

When the Founding Fathers established the Electoral College they envisioned it would serve as a deliberative body that would ensure that the general population would not elect someone not qualified for the office and to guard against foreign influence in our elections.

Hamilton wrote in Federalist Paper #68:

"These most deadly adversaries of republican government might naturally have been expected to make their approaches from more than one quarter, but chiefly from the desire in foreign powers to gain an improper ascendant in our councils. How could they better gratify this, than by raising a creature of their own to the chief magistracy of the Union?"

"The process of election affords a moral certainty, that the office of President will never fall to the lot of any man who is not in an eminent degree endowed with the requisite qualifications ... yet we may safely pronounce, that the true test of a good government is its aptitude and tendency to produce a good administration."

Originally some electors were chosen by state legislatures. With the creation of political parties, electors as was true with all elected officials, increasingly identified with a particular party and voted accordingly. After 1836 electors were not chosen by state legislatures but through a statewide popular vote and the Electoral College ceased to act as a deliberative body. Today all states except Maine and Nebraska have a winner-take-all system for electing electors.

The Electoral College as created by Hamilton and for the reasons he created it are no longer germane.

In January of 1970, after a thorough study by local Leagues in every state, the LWVUS adopted a Position in support of the direct-popular-vote method for electing the President and Vice-President as being essential to representative government.

In 2010 the League established a Position to support the National Popular Vote Compact as another method of selecting the President until such time as the Electoral College is abolished.

The National Popular Vote Agreement is not new to the Colorado General Assembly.

In 2006, Colorado's Senate was the first state legislative house in the nation to pass National Popular Vote's legislation for nationwide election of the President (SB 06-223).

On January 24, 2007, the Colorado State Senate approved the National Popular Vote bill (SB-07-046). The Senate Committee on State, Veterans and Military Affairs approved the bill on January 17.

On March 17, 2009, the Colorado House of Representatives passed the National Popular Vote bill (HB 1299). Colorado Representative Andrew Kerr was a sponsor.

It has never passed both chambers of the Colorado Assembly in the same legislative session; therefore, Colorado has not joined the compact to date. The League strongly encourages this action in the Seventy-First Colorado General Assembly.

There are many concepts from the US Constitution that have inspired other democracies – the separation of powers among three branches of government, checks and balances, protection of minority rights, and due process.

However the world's democracies have chosen other models for their electoral process in providing ways for all voices to be heard and ensuring that each voice is given equal value.

The Founding Fathers created the Electoral College to help ensure that our republican form of government would endure. With changing circumstances, today the Electoral College diminishes the ideal of a truly representative government – it diminishes minority voices in all states, it creates regional divides, and it concentrates campaign efforts to a small number of states. A national election for president needs a national dialogue where the concerns of all citizens are heard and are thoroughly debated.

The League of Women Voters of Colorado urges this Committee to send SB 17-099 to the floor of the Colorado Senate for debate and a vote.