

8 Former ALEC National Chairs Endorse National Popular Vote

Eight former national chairs of the American Legislative Exchange Council (ALEC) have signed the attached letter endorsing the National Popular Vote bill.

The 8 signers are:

- Frank Messersmith—Florida—ALEC 1989-90 National Chair
- Bonnie Sue Cooper—Missouri—ALEC 1995 ALEC National Chair
- Harold Brubaker—North Carolina—ALEC 1994 National Chair
- Raymond N. Haynes—California—ALEC 2000 National Chair
- Steve McDaniel—Tennessee—ALEC 2001 National Chair
- Billy Hewes—Mississippi—ALEC 2004 National Chair
- Earl Ehrhart—Georgia—ALEC 2005 National Chair
- Noble Ellington—Louisiana—ALEC 2011 National Chair

Letter from 8 Former National Chairs of American Legislative Exchange Council (ALEC)

As the former National Chairs of the American Legislative Exchange Council (ALEC) and as current and former members of state legislatures from across the United States, we are writing to ask you to consider a bipartisan, truly representative and fairer process to elect the President of the United States.

The National Popular Vote Interstate Compact does not abolish the Electoral College. Instead, it uses the state's existing authority to change how the Electoral College is chosen, namely from the current winner take all state statutes, to an interstate compact which ensures that the president will be elected by the popular vote of everyone in all 50 states.

This would guarantee the Presidency to the candidate who receives the most popular votes in all 50 states.

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) enacted by state statute in 48 of the 50 states.

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. As an example of a near

miss, 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.

This is a state rights issue, a true federalist solution to the current problem where 4 out of 5 Americans are ignored by presidential candidates. Every person—in every state—has the right to decide who is elected President.

The U.S. Constitution gives the states exclusive and plenary control over the manner of awarding their electoral votes. Article II, Section 1 states:

“Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors....”

The winner-take-all rule is not in the Constitution. It was not the Founders' choice, and was used by only three states in the nation's first presidential election in 1789.

Under the National Popular Vote Interstate Compact, 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. 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 winner take all system of awarding electoral votes with a system guaranteeing the Presidency to the candidate who wins the most popular votes in all 50 states, while preserving the states' control over the manner in which the president is elected.

One of the bedrock principles of the Conservative movement is our steadfast support of states' rights. As Washington D.C. continues to grow beyond the size and scope our Founders could have ever conceived of, the right of states to exercise our authority under the Constitution remains one of the last buffers against an over-reaching federal government. The right of states to control their electors in a manner prescribed by their own state legislature is arguably one of the most important authorities granted by the U.S. Constitution. This authority is therefore one of the greatest responsibilities assigned to state legislators. It is undoubtedly in EVERY state's interest to use this authority to help enact a national popular vote of every vote cast in all 50 states.

The manner in which states appoint their electors in presidential elections has a direct impact on that states influence in presidential politics and policymaking. Thus, state legislators have the fiduciary responsibility to use their constitutional authority to maximize their states influence in the best interest of their state's citizens. The current system of awarding electors to presidential candidates does not serve most state's interest. The good news is that national popular vote is both an appropriate use of our constitutional authority, but also increases our relevance in the national political scene. It protects the principles of Federalism and preserves and guarantees our Republican form of government.

One need not look further than the 2012 election to make this point. A full 80% of Americans were ignored in the last presidential election. After being nominated, Obama held campaign events in just eight closely divided battleground states, and Romney did so in only 10. These 10 states received 98% of the \$940 million spent on campaign advertising. Forty states were mere spectators. This is a clear demonstration of the most important political calculus. The literal and quantified importance of any given state for the incoming chief executive can be derived from this example.

Not only is it in our own states interest, but it is equally important to weigh this decision in a nationwide context. It is in this light that the value of a national popular vote system is most clearly seen. "Battleground" states receive 7% more federal grants than "spectator" states, twice as many presidential disaster declarations, more Superfund enforcement exemptions, and more No Child Left Behind law exemptions. Because of the disproportionate value of the "swing states" federal policy decisions have been distorted in ways that grow the size of the federal government. The largest government entitlement since the Great Society was Medicare Part D, designed to win the large senior voting population in Florida.

As a conservatives, and former ALEC National Chairs, there are several other political aspects that we think are important to consider.

We believe we are a 'center-right' nation. A national popular vote system would give our center-right coalition a greater voice in electing the President. Rather than having to campaign in battleground states only, every one of our coalition's members would matter. Nationwide turnout, regardless of the impact on individual states, would matter. Our voices and issues move and affect voters nationally and candidates would have to take them into greater consideration.

Moving away from the current system also helps reduce the incentive and value of voter fraud. Today, small changes executed by a very small number of people in a particular state could have a determinative effect on the national outcome in the Electoral College vote. By moving away from the winner take all system, we diminish the role any one group, city or 'machine' could play to swing a state's Electoral College votes.

Today, conservatives in many states have little voice. Presidential campaigns concentrate their efforts in the 6-12 battleground states, depending on the year. Under a National Popular Vote, conservative turnout in California, New York and even small states like Vermont and Rhode Island would matter. This would provide for a great incentive to organize our 'natural' and often times 'silent' majority in EVERY state.

Obviously, the left has a similar scenario and perspective about the national electorate. They believe that they have a better organizational base, a broader appeal and would/should be the majority party and movement in America. We are confident that the conservatives across this country are under-represented and under-counted election after election.

The bottom line is that the National Popular Vote Bill would guarantee the Presidency to the candidate who receives the most popular votes in all 50 states. We believe that is both right and fair. Having a fair fight for the hearts and minds of Americans is a challenge we wholeheartedly accept!

It is for these reasons that a national popular vote is clearly in our states, our nations, and our party's best interest. As stated before, our state legislatures are endowed by our Founders with an awesome responsibility to award each state's electors in a manner prescribed by each state's sovereign elected bodies. It is not only in our interest, but indeed our responsibility, to use that authority to advance the priorities of the people of each and every one of our great states.

Respectfully yours,

Frank Messersmith—Florida—ALEC 1989-90 National Chair

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