

SENATOR RAY HAYNES (California, ret.)

Testimony before the Michigan Legislature on The National Popular Vote Interstate Compact

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to talk to you this afternoon in support of the National Popular Vote Interstate Compact. I am Ray Haynes. I served 14 years in the California Legislature, 8 years in the Senate and 6 years in the Assembly, California's version of your House of Representatives, from 1992 to 2006. During my time in the California Senate, I was the Republican Whip, the Chair of the Senate Constitutional Amendments Committee (the jurisdiction of which was to revise bills impacting the state and Federal Constitutions), Vice Chair of the Senate Health and Human Services Committee as well as Vice Chair of the Senate Public Employee Retirement Committee. While in the Assembly, I was the Assistant Republican Leader to the Assembly Republican Leader (now Majority Leader in the US House of Representatives) Kevin McCarthy.

In 2000, I was elected National Chair of the American Legislative Exchange Council, a national organization of state legislators that is committed to Jeffersonian Constitutional Values. I have appeared on NBC's Today Show, CNN, Fox News, and numerous national and local radio talk shows. Articles I have written have been published in the Los Angeles Times, the Orange County Register, the San Diego Union Tribune, Heritage Foundation publications, and the Georgia-based Mises Foundation, among others.

I am here to talk about why the National Popular Vote Interstate Compact (which I will call NPVIC) is good for Michigan. To get there, I should explain my journey on this issue. If you access YouTube, and search National Popular Vote, you will find, about 3 pages into the results, my speech in opposition to the NPVIC given when I was a member of the California Assembly. It is still the best speech

I've ever heard in opposition to the Compact, but I can say today, that I had all my facts wrong. I'm here today as a vocal and committed supporter of the NPVIC, and I believe it is good for the United States, for Michigan, and for both the Republican and Democratic Parties. That is why it has enjoyed bi-partisan support across the country, with over 156 Republican Co-Sponsors in the states in which it has been introduced, and 162 Democratic Co-Sponsors in those same states.

It enjoys that bi-partisan support because the values it supports are good for this country. First, it preserves and protects the Electoral College, which I believe to be an important institution in our Constitution, Second, it makes every vote in every state important in every election, and Third, it aligns the outcome of the election with the expectation of the voters. Republicans and Democrats agree that the NPVIC will ultimately make this country stronger and more unified.

I did not come to this conclusion quickly. I was one of the first 25 elected officials in February 1999 to endorse then Governor George W. Bush for President. He promised me, to my face that he was going to campaign in California in 2000. He didn't. After the election was over, I concluded that his decision to not campaign in California was right for his campaign, but wrong for California, and I concluded that the problem was the "winner take all rule" that 48 states and the District of Columbia use to choose their electors. That leads candidates for President, by necessity, to ignore 35 to 45 states across the country if they wish to win the presidency. That is not good for the presidency and not good for the country. I looked for solutions and landed on NPVIC as the solution that would solve the basic problem and would make every vote in every state politically relevant in every election.

However, I had to be sure in my mind that the NPVIC was constitutional. You've heard the language of Article 2, Section 1 of the Constitution, but do you know how the founders settled on that language? After three months of negotiations, and 30 votes over 22 separate days in the Constitutional Conventions, the founders couldn't reach an agreement, so they handed the decision on how to elect the President, in true federalist fashion, to the states, with the full expectation that the states would use the power granted to them to maximize their influence over the President. Did you know that, despite the 30 votes over 22 days, the founders never considered, debated, proposed or voted on the winner-take-all rule now in effect in 48 of the 50 states, and the District of Columbia? The winner-take-all rule is not in the Constitution. It was not used in a majority of states until well into the 19th

century, over 50 years after the adoption of the Constitution. In fact, Madison, in the Federalist No. 45, and Jefferson in his letter to then Governor James Monroe of Virginia, explained that they thought states would use their power to benefit the states. Not once did they believe that 40 states, including Michigan, would have a law, the winner-take-all law, that would make Ohio and Florida the most important states to a President. They, in fact, expected state legislators, that is you, to make the decision that would enhance that state's interests. The founders expected you would act in a way to make your constituents in your state important to every presidential candidate in every election. As Michigan well knows, battleground state status is fleeting – you may be one for an election or two, but then in most elections, you are the hopeful wallflower, hoping the candidates will want to dance with you, but more often than not, you sit, waiting to be noticed. That was my experience in every Presidential election while I was a state legislator in California – the presidential candidates, and the elected President simply didn't care about the voters that my colleagues and I represented.

Once I became convinced that the NPVIC was constitutional, I became a full-throated advocate. To my conservative friends, I say this: this is good for the country, and good for the conservative movement. Too often, in my humble opinion, the Republican Party ignores the conservatives in Michigan to pay attention to the moderates in Ohio. To all my friends, I say, it is a good thing if both parties are required to pursue every vote in every state to win. If you wonder why voter participation is down, I think it can be explained by the fact that four out of five voters across our country know they are not important to the President.

As a state legislator, the Founders gave you the decision on choosing the method of electing the President. They expected you to use your authority in a way to enhance the power of your state's voters over the selection of the President. The key question before you today is the question the Founders thought you would ask yourself: How can I make the voters of my district important in every single Presidential election? The Constitution gave you the power, because the Founders knew your decision would be driven by that key question. The Electoral College was not created to protect small states – it doesn't do that. It was not created to balance out the interests of the cities and the rural areas. It was created for one purpose – that is – that you would use the power granted to you by the Constitution to enhance the interests of your constituents and your voters. I came to support the NPVIC because it was the one solution that would accomplish that, while at the same time preserving and protecting the Electoral College.

I would ask that you vote aye for this bill – it is what is best for this country, your state, your constituents, and your party.