



PO Box 1327 • Madison WI 53701-1327
608-268-5074 (Madison) • 866-849-2536 (toll-free) • 608-256-3370 (fax)
Email: info@wifamilyaction.org
Web site: www.wifamilyaction.org
Blog: www.wisconsinfamilyvoice.wordpress.com

Testimony in Opposition to Assembly Bill 751
Assembly Committee on Elections and Campaign Reform
Julaine K. Appling, WFA President
February 17, 2010

Thank you, Chairman Smith and committee members, for the opportunity to testify today on Assembly Bill 751. My name is Julaine Appling, and I am testifying today as president of Wisconsin Family Action, a statewide organization that represents tens of thousands of Wisconsin individuals and families, as well as thousands of churches, who are concerned about strengthening and preserving marriage, family, life and liberty in our state. I am speaking today in opposition to AB 751.

For years, we've had debated the need for the Electoral College. The debate is not new. What is new is the approach proposed in this bill. This is a sham. It is yet another attempt to put one over on the people of this state and this nation. AB 751 is part of a national push by an organization that from records available on the state's lobbying site has been actively at work since at least July of last year, lobbying legislators to put such legislation forward in our state.

As proposed, AB 751 would do an end-run around the Electoral College. It is a well concealed, yet very direct attack that will produce a counterfeit national popular vote. The bill requires that Wisconsin enter a compact, an agreement, with all other states where this initiative becomes law. The compact stipulates that whoever wins the national popular vote in a presidential election will get all of Wisconsin's electoral votes, presently 10, regardless of whether or not that candidate actually won Wisconsin's popular vote. All of this happens via statute—without any opportunity for “we the people” to have a popular vote on this significant change in a US Constitutionally mandated process.

If National Popular Vote, a small but well funded national organization, and those who have bought their line, are really desirous of changing how we elect the US President, then let's follow the constitutional prescription for doing that. Let's amend the constitution, which requires a two-thirds vote on the resolution in both the US House of Representatives and the US Senate, and ratification by three-quarters of the states. That ratification happens ultimately by, ironically, a direct vote of the people.

I can assure you that at this point the majority of the voters in this state know nothing about this scheme since it was introduced publicly as a legislative measure barely two days ago. Should this bill continue on this pace through the legislative process, Wisconsin citizens will have little to no input on an issue of considerable consequence, with significant change for our state and our nation and one that will have major ramifications.

Part of the reason a bill such as AB 751 has gained traction around the country is that we have a society filled with people who are uneducated about the type of government we have, as well as the Constitution in general, and certainly the Electoral College specifically. First, to clarify, we are not a democracy. That is part of the fallacy here. We are a republic...a representative republic governed by a Constitution that is derived from the will of the people.

As to the Electoral College, it is an election process created by the Founding Fathers and established in the U.S. Constitution and was a brilliant compromise between states with large populations and those with small populations. It is part of the federalism that the founders established—a delicate balance between the central,

national government and the individual states. Each state is awarded a number of electoral votes for president based on state population *and* state sovereignty. The state popular vote for president determines which presidential candidate wins that state's electoral votes. It's also a part of the separation of powers, not a trifling matter, to be sure.

This bill would authorize the State of Wisconsin to take part in an interstate compact with other states, pledging that our state's electoral votes will go to the presidential candidate who wins, not the popular vote of Wisconsin, but the national popular vote. If you think one vote is lost in the thousands of Wisconsin votes cast for president, imagine what negligible impact that vote would have if it was only one of millions and millions of votes!

With the Electoral College, one vote constitutes a higher percentage of the total votes from the state and has a greater impact on the presidential election. With a national popular vote, the states with the highest populations determine the president, and then, under AB 751, Wisconsin is forced to elect that candidate, regardless of whether he/she was the choice of the majority of Wisconsin voters. In fact, under this bill, the candidate who receives Wisconsin's electoral votes may not have even qualified to be on our ballot.

The Electoral College protects states with small populations because, especially in a close election, even a smaller number of electoral votes can determine the outcome of the presidential election. Every state's electoral votes count and are important. However, in a national public vote arrangement, the votes of individuals from populous states are more important to a candidate and call for more of his/her campaign time.

Assembly Bill 751 also disenfranchises the states that choose not to agree to the interstate compact. Once 270 electoral votes are represented in the compact, the collective states have the ability to determine the president, with or without, the remaining states. By the way, it takes only 11 states to get to 270 electoral votes, but it takes 38 states to ratify an amendment to the Constitution. It's pretty obvious which one involves more citizens.

Finally, AB 751 has nothing in it that would create national standards for ballot access, nor does it create national standards for voter qualifications. It does not create national standards for requiring a recount of ballots within a state; and it has no majority requirement but allows a candidate with a plurality, no matter how small, to become President. There are simply no safeguards that ensure that an election is fairly won and no way determined in advance to handle post-election problems.

What is the rush in this bill? Why push to get it through so quickly and without open, public debate? Why not at least give this bill the thorough discussion it needs and actually solicit public input?

Right here in the rotunda of this building is a beautiful mosaic entitled, "Liberty." According to the artist, Liberty is pictured as guarding the ballot box. Truly, our liberty hinges on our ability to have fair and open elections. AB 751 does not ensure fair and open elections, but could very well do the opposite and make it much more difficult for this state and this country to have honest elections where truly every vote matters. We must guard the integrity of the ballot box and our election process—our liberty depends on it. This is obviously a very serious matter and prompts me to urge you to vote against Assembly Bill 751.

Thank you for your time today.