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Concord, NH 03301

www.LWVNH.org

Jan. 14, 2025

To: Senate Election Law & Municipal Affairs Chair and Committee
From: Liz Tentarelli, president, League of Women Voters NH
contact: LWVnewhampshire@gmail.com

Re: SB11

I personally and on behalf of the non-partisan League of Women Voters New Hampshire urge this committee to **oppose SB11**.

SB11 would change the way presidential electors are chosen and how they cast their electoral ballots to be similar to the system used by Maine and Nebraska. I look forward to hearing the sponsors' reasons for the change. If the intent is to make the electoral process for president slightly more closely linked to the actual votes cast by NH citizens, there are better ways. [1]

I realize this is not the place to discuss the National Popular Vote Compact alternative, so I won't.

But I do wish to point out that analysis has been done showing that in a presidential race with a strong third party candidate, having this kind of proportional electoral balloting is much more likely to result in an electoral count in which no candidate achieves the necessary majority of 270 votes.

Proportional balloting also increases the chances of a tie in the electoral college in a two-party race.

In either of these cases, the choice of president would be made by a one-state one-vote decision in the newly elected House of Representatives, which would be about as distant from recognizing votes cast by the citizens as one can get. In that case the top three presidential candidates become the choices available. The Senate gets to choose the vice-president from among the top two VP candidates. Possible to have an administration with two parties represented by president and VP.

I'll admit that if NH changes, with only 4 votes at stake, the odds don't change much.

But just having a structure where the votes within a congressional district matter more than overall votes incentivizes partisan congressional gerrymandering, a bad way to look at things.

Nebraska last fall considering going back to winner-take-all electoral voting, but couldn't make the change in time. The outcome in Nebraska of the 2024 election was four votes for Trump and one for Harris (the more liberal Omaha area CD cast the Harris vote.) In Maine three votes were cast for Harris and one for Trump (Trump won the moral rural CD). [2] [3]

Please oppose SB11. It serves no good purpose at this time.

For additional information:

[1]Pew Research Center Sept. 2024

More than six-in-ten Americans (63%) would instead prefer to see the winner of the presidential election be the person who wins the most votes nationally. Roughly a third (35%) favor retaining the Electoral College system, according to a Pew Research Center survey of 9,720 adults conducted Aug. 26-Sept. 2, 2024.

[2] **Nebraska – an outlier.** 5 Electoral Votes. One went to Harris (Omaha area) in 2024. Legislature has only one body (unicameral legislature). Officially legislators are not party-affiliated. Last year there was movement among Republicans for a constitutional amendment to go back to winner-take-all presidential election. But it wouldn't have taken effect in time for Nov. 2024 election, so it didn't proceed. When Nebraska changed the law in 1991, they thought it would attract the presidential candidates to their state for in-person campaigning. That seems not to have happened. In 2024 campaign, neither major party candidate visited. VP candidates visited and hosted rallies –Walz 2x and Vance 1x.

[3] Northeastern University Political Review
April 18, 2020 <https://nupoliticalreview.org/category/national/>

Proportional, Not Popular: Reforming the Electoral College

by [Mia Vuckovich, Political Science 2022](#)

... Two states—Maine and Nebraska—already split their electoral votes, reserving two for the winner of the state popular vote and [distributing the rest](#) to the winners of each congressional district. **Maine adopted this rule prior to the 1972 election, and Nebraska made this change before the 1992 election.** Each state has only split their vote once—in 2016 and 2008, respectively. *[note: they also split their votes in 2024.]*

While this system offers a possible remedy, assigning votes based on congressional districts crosses a dangerous line. Not only does **this system hurt voters in gerrymandered districts, but it also encourages further gerrymandering.** Furthermore, most gerrymandering falls along racial lines, so distribution based on congressional districts would increase the [racial disparities](#) of the Electoral College. While Nebraska and Maine provide a template for eliminating winner-take-all laws, future reforms should not use congressional districts as the method to split the votes....