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April 19, 2011

The Honorable Barry Finegold  
Senate Chair, Joint Committee on Election Laws  
Room 416B, State House  
Boston, MA 02133

The Honorable Michael Moran  
House Chair, Joint Committee on Election Laws  
Room 443, State House  
Boston, MA 02133

**Re: Testimony of the MA Sierra Club In Opposition to H.212 and H.1977**

Dear Chairman Finegold and Chairman Moran,

Thank you for providing this opportunity to offer our comments on House Bill H.212 sponsored by Rep. Straus, and H.1977, sponsored by Rep. Jones. These bills would have the effect of undoing the state's progress in moving towards the goal of electing the President of the United States by popular vote.

The Sierra Club would like to express our strong support in opposition to these two bills.

The Sierra Club is a non-profit, non-partisan organization with about 700,000 members in the United States, approximately 22,000 of which are in Massachusetts. We are the largest grassroots environmental organization in America.

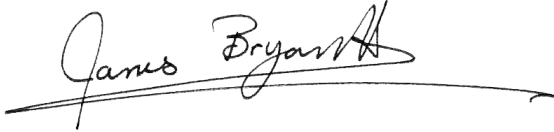
The Electoral College method of electing the president is an 18th-century outdated anachronism that enables campaigns to almost completely ignore most states. It allows a shift of a handful of votes in one or two states like Ohio or Florida to decide the presidency. Constitutional amendments to abolish the Electoral College and institute direct election of the president have been filed in the US Congress and Senate.

In a multi-candidate race where candidates have strong regional appeal, as in 1824, it is quite possible that a candidate who collects the most votes on a nation-wide basis will not win the electoral vote. In a two-candidate race, that is less likely to occur. But it did occur in the Hayes/Tilden election of 1876 and the Harrison/Cleveland election of 1888 due to the statistical disparity between vote totals in individual State elections and the national vote totals. This also occurred in the 2000 presidential election, where George W. Bush received fewer popular votes than Albert Gore Jr., but received a majority of electoral votes.<sup>1</sup> And in 2004, if a mere 60,000 swing voters in Ohio had changed their

minds and voted for John Kerry, he would have won the presidency while losing the national popular vote by 3 million ballots.<sup>2</sup>

Because this proposed legislation would sunset or repeal efforts to institute this democratic process, the Sierra Club opposes these bills. We urge the members of this committee to report both of these bills unfavorably.

Respectfully,

A handwritten signature in black ink that reads "James McCaffrey". The signature is written in a cursive style and is underlined with a long, horizontal stroke that extends to the right.

James McCaffrey  
Director  
Massachusetts Sierra Club

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<sup>1</sup> US Federal Register Archives, NARA/Electoral College, website <http://www.archives.gov/federal-register/electoral-college/faq.html>

<sup>2</sup> Sierra Magazine, 10 Steps to Better Elections, Steven Hill, May 2005