

**Testimony of Sean Parnell
to the
State Government and Elections Committee
of the
Rhode Island House of Representatives
April 30, 2026
Re: H 7783 (Repeal of the National Popular Vote interstate compact)**

Chairman Shanley, Members of the Committee, thank you for considering my testimony. I am Sean Parnell and I represent Save Our States Action, an organization focused on defending the Electoral College and educating legislators and the public on the dangers and defects of the National Popular Vote interstate compact (NPV).

I am submitting this testimony in favor of H 7783, a bill that would repeal Rhode Island's membership in NPV. As you may recall, I testified in person last year on a similar bill. Following my testimony, the organization behind NPV prepared and, I assume, distributed to members of this committee a memo titled "10 False and Misleading Criticisms of the National Popular Vote Interstate Compact at the Rhode Island House Hearing on March 25, 2025 (H5519)."

That memo contains numerous inaccuracies, and a full response to each and every claim made in it would run into the scores of pages. In the interest of brevity I will focus here only on the first issue raised in the memo (which I've attached to this testimony), which is whether vote totals for a state can be estimated when it comes time to tally the national vote count if official, certified results are not available for that state.

My testimony last year stated that vote totals could be estimated for a state that did not make official results available to compact states by the deadline, and cited the testimony of two longtime NPV lobbyists to the North Dakota legislature in support of that statement. The memo prepared by NPV's lobbyists both denies the possibility that a state's official, certified totals might not be available by the deadline (which is six days before the Electoral College meets) and asserts "...there is nothing in the Compact that allows vote totals to be estimated."

According to the memo, federal law requires states to "...make a final determination of its presidential vote count and issue a Certificate of Ascertainment..." by the deadline and "immediately" transmit it to the Archivist of the United States "...by the most expeditious method available." It goes on to note that the Archivist is then to make the Certificate public.

This, according to the memo, is enough to ensure that official, certified vote totals from every state will always be available for compact states to obtain by the deadline and produce a national vote count "...based entirely on the official certified vote count produced by each state," thus precluding any need to estimate vote totals. This is incorrect.

As I referenced in my testimony last year, if NPV had been in effect in 2024 there would not have been any official, certified vote totals available from West Virginia by the deadline. West Virginia had not certified its statewide canvas by the deadline, but it had created and transmitted its Certificate of Ascertainment to the Archivist by the deadline. The Archivist had not yet made it public, however. Without either the certified statewide canvas or the Certificate, there was no "official statement" for compact member states to obtain the necessary vote totals from.

The basic issue is that NPV has misunderstood and mischaracterized the relevant federal law, 3 U.S. Code § 5 and 3 U.S. Code §6 (attached). Contrary to what the memo implies, the requirement that a state "immediately" transmit the Certificate "...by the most expeditious method available" does not lead to instantaneous transmission and public availability. The Certificate is a physical document that is delivered by a courier service, U.S. Postal Service, or similar method. For most states it will take a day or two for the Certificate to reach the Archives, which then must review it before it is made public. If a state transmits its Certificate shortly before or the day of the deadline – which is what West Virginia and several other states did in 2024 – it is simply impossible for that document to be made public by the Archivist before the deadline.

So, what would have happened if the compact was in effect in 2024 and West Virginia's official, certified vote totals were not available?

In 2021, two longtime lobbyists for NPV testified in North Dakota regarding a bill that would keep the state's presidential vote totals secret until after the Electoral College met, instead releasing only percentages for each candidate.

As Pat Rosenstiel, one of the NPV lobbyists explained, "...the key word in all of the language in the compact is determination" and NPV states would "...make a determination based on the turnout that's reported, the percentage of the vote that would be reported under this law, and they would determine how many votes to assign to a Republican and a Democratic candidate..." He went on to say "...it's up to the chief election official of the member state to make a determination to the best of their ability based on the data provided from the state. So they'll get within like 36, a hundred votes of what the actual vote result was."

His colleague, Saul Anuzis, made similar comments, specifically stating that he expected there would be between 36 and 68 “votes of uncertainty” by which he meant the difference between the “calculated” vote totals and the real vote totals. Both made serious calculation errors however – the estimates that would be produced by the methodologies discussed by Rosenstiel and Anuzis for making a “determination” would be off by thousands or even tens of thousands of votes. And applying these methodologies to a more populous state increases the difference between the “determination” and the “actual vote result.”

Regardless of whether a state’s official, certified vote totals are unavailable because they are being hidden, as the North Dakota bill would have done, or because a state is simply slow to certify and transmits its Certificate on the day of the deadline, as was the case for West Virginia in 2024, the compact would still require member states to “determine” vote totals for the state.

This was all included in my testimony last year. The memo does not even acknowledge this, evading the fact of what happened in West Virginia in 2024 and pretending the North Dakota testimony never happened.

If any representatives of the NPV organization are at the hearing for H 7783, a few questions that might be asked of them are:

1. If it’s not possible for a state’s official, certified results to be unavailable by the deadline, how is it that West Virginia’s official, certified results were not available by the 2024 deadline?
2. If a state creates and transmits its Certificate of Ascertainment on the day of the deadline, and it will take at least one day for it to be received by the Archivist, how is it possible for the Archivist to make it public by the deadline?
3. If “...there is nothing in the Compact that allows vote totals to be estimated” then what did the two lobbyists mean when they referred to “assigning” vote totals to candidates that they expected would be “...within like 36, a hundred votes of what the actual vote result was.”

I encourage you to vote for H 7783, and I’d be happy to address the other items in the memo or any other issue if any committee members would like. I can be reached at (571) 289-1374 or sean@saveourstates.com. Thank you.