

Testimony Regarding the National Popular Vote Compact

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In the 1960 World Series, the Yankees outscored the Pirates 55-27; out hit them .338 to .256, and out pitched them with an ERA of 3.54 v. 7.11. Yet the Pirates won, on a 9th inning home run in game seven. There was no outrage to change the rules of the World Series.

All of the cases in which the popular vote and Electoral result differed (except Bush/Gore) occurred over a century ago. For the past 100 years, the Electoral College has functioned without incident in every presidential election through two world wars, a major economic depression, and several periods of acute civil unrest. Only twice in the last 100 years (the States' Rights Democrats in 1948 and George Wallace's American Independents in 1968) have there been attempts to block an Electoral College victory. Neither attempt came close to succeeding. **Such stability, rare in human history, should not be lightly dismissed.**

Each of these events (except 1888) resulted either from political inexperience (as in 1800, 1836, and 1872) or from profound political divisions within the country (as in 1824, 1876, and even 1948, 1968, and 2000) which required some sort of higher order political resolution. **All of them were resolved in a peaceable and orderly fashion** without any public uprising and without endangering the legitimacy of the sitting president. It is hard to imagine how a direct election of the president could have resolved events as agreeably.

The Electoral College system imposes two requirements on candidates for the presidency:

- **That the victor obtain a sufficient popular vote to enable a president to govern (although this may not be the absolute majority)**
- **That the popular vote be sufficiently distributed across the country to enable a president to govern.**

Far from being flaws, then, any historical oddities demonstrate the strength and resilience of the Electoral College system in being able to select a president even in troubled times.

There are two key issues that that typically are missing in the NPV debates:

Fairness

Oregon voters are fiercely independent and have not voted for a Republican President since Ronald Reagan. To the Democrats on this committee, consider the following question: how will you explain to the citizens of this state that our precious seven Electoral votes were cast for a Republican President even though they voted for the Democrat candidate? How will you justify the fundamental unfairness? To the Republicans on this committee, consider this question: should the Republican candidate win the aggregate popular vote but Oregon votes for the Democrat candidate, how can you in good conscience accept Oregon's Electoral votes? How will you justify the fundamental unfairness?

Let Oregon make its choice and cast its Electoral votes accordingly.

Nationalization of the Federal Government

The NPV movement is another force moving our Federal government to a "national" government. There is not a national election for President because we do not have a national government. We are a nation of dual sovereignties: the States and the Federal government. But there is a disturbing and growing trend of nationalization the Federal government, from law enforcement to medical care, accelerated by an unfortunate Supreme Court decision in 2004.

Eventually the role of a state legislator will become meaningless as there will no subject area left to them about which to legislate.