Testimony in Favor of the National Popular Vote Bill (HB 3077)

Rules Committee Oregon House of Representatives March 20, 2013 Presented by: Dr. John Koza, Chair, National Popular Vote Justin Martin, Perseverance Strategies, Inc.

The National Popular Vote bill (HB 3077) would guarantee the Presidency to the candidate who receives the most popular votes in all 50 states and the District of Columbia.

The National Popular Vote bill is an interstate compact that has already been enacted into law by 9 jurisdictions (Hawaii, Washington, California, Illinois, Vermont, Massachusetts, New Jersey, the District of Columbia, and Maryland). The bill has passed at least one legislative chamber in 12 other states (AR, CO, CT, DE, ME, MI, NV, NM, NY, NC, OR, RI), including the Oregon House in 2009. The bill has been endorsed by 2,124 state legislators.

Under the National Popular Vote bill, all the electoral votes from the enacting states would be awarded to the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia. The bill would take effect only when enacted by states possessing a majority of the electoral votes—that is, enough electoral votes to elect a President (270 of 538). The 9 jurisdictions that have already enacted the National Popular Vote bill possess 132 electoral votes—49% of the 270 necessary to activate it.

The shortcomings of the current system of electing the President stem from the winner-take-all rule (i.e., state statutes that award all of a state's electoral votes to the candidate receiving the most popular votes in each separate state).

The most important shortcoming of the winner-take-all rule is that four out of five states, including Oregon, were ignored in the 2012 presidential election. Candidates have no reason to pay any attention to the concerns of voters in states where they are comfortably ahead or hopelessly behind. As a result, only 12 closely divided "battleground' states received any of the 253 general-election campaign events in 2012. Four states received two-thirds of these events (Ohio, Florida, Virginia, and Iowa). Only two western states (Nevada and Colorado) received any of these events.



The bill ensures that *every* vote, in *every* state, will matter in *every* presidential election. The National Popular Vote bill ensures that a vote in Oregon will be as important as a vote in closely divided states such as Ohio, Iowa, or Nevada.

Another shortcoming of the winner-take-all rule is that it has permitted candidates to win the Presidency without winning the most popular votes nationwide in four of our 57 presidential elections—1 in 14 times. A shift of 59,393 votes in Ohio in 2004 would have elected Senator John Kerry despite President Bush's nationwide lead of over 3,000,000 votes. A shift of 214,390 votes in 2012 would have elected Governor Romney despite President Obama's nationwide lead of almost 5,000,000 votes.

Article II, Section 1 of the U.S. Constitution gives the states exclusive control over awarding their electoral votes: "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors...." The winner-take-all rule is not in the Constitution. It was used by only three states in our nation's first election in 1789. It was never debated at the Constitutional Convention and never discussed in the *Federalist Papers*. The Founding Fathers were dead for decades before the winner-take-all rule became widespread.

The National Popular Vote bill preserves the Electoral College and state control of elections.

The winner-take-all rule adversely affects governance. Sitting Presidents (whether contemplating their own re-election or the election of their preferred successor) pay inordinate attention to closely divided "battleground" states. "Closely divided "battleground" states receive over 7% more grants (and over 5% more grant dollars) than other states. A closely divided "battleground" state can expect to receive twice as many presidential disaster declarations as an uncompetitive state. The locations of Superfund enforcement actions reflect a state's battleground status. Federal exemptions from the No Child Left Behind law have been characterized as "'no swing state left behind." For details on the studies cited above, see the recently published 4th edition of *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote* (available for reading or downloading for free at www.Every-Vote.Equal.com).

A survey of 800 Oregon voters conducted on December 16-17, 2008 showed 76% overall support for a national popular vote for President. Support was 82% among Democrats, 70% among Republicans, and 72% among independents. By age, support was 67% among 18-29 year olds, 68% among 30-45 year olds, 82% among 46-65 year olds, and 76% for those older than 65. By gender, support was 81% among women and 71% among men. The survey has a margin of error of plus or minus 3 1/2%.

The National Advisory Board of National Popular Vote includes former Senators Jake Garn (R–UT), Birch Bayh (D–IN), and David Durenberger (R–MN); and former Cong. John Anderson (R–IL, I), John Buchanan (R–AL), Tom Campbell (R–CA), and Tom Downey (D–NY). Backers include former Senator Fred Thompson (R–TN), former Governor Jim Edgar (R–IL), and former Congressman Tom Tancredo (R-CO).

Detailed answers to 131 myths concerning the National Popular Vote bill may be found in the recently published 4th edition of *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote.* Additional information is available at www.NationalPopularVote.com.