

**REVENUE:** No revenue impact

**FISCAL:** Minimal fiscal impact, no statement issued

---

**Action:** Do Pass

**Vote:** 6 - 2 - 1

**Yeas:** Barnhart, Berger, Dembrow, Holvey, Hoyle, Garrett

**Nays:** Hicks, Jenson

**Exc.:** Kennemer

**Prepared By:** Erin Seiler, Administrator

**Meeting Dates:** 3/20, 4/15

---

**WHAT THE MEASURE DOES:** Enacts Oregon’s participation in interstate compact for election of U.S. President by national popular vote. Provides that compact takes effect when enacted by states cumulatively possessing a majority of all electoral votes. Establishes procedures requiring chief election official of each state participating in the compact to (a) separately determine national popular vote winner by tallying votes in all states (those that belong to the compact and those that do not) and (b) certify the elector slate nominated in that state in association with the national popular vote winner. Provides mechanism for state to withdraw from compact. Terminates compact if Electoral College is abolished.

**ISSUES DISCUSSED:**

- Number of jurisdictions who have joined National Popular Vote Interstate Compact
- Oregon’s role in presidential elections
- Method to ensure all votes, in every state, count equally
- Existing legislative authority to decide how to award electoral votes following presidential election
- Ability of candidate who receives most votes to win presidential election
- Allocating electors proportionally by congressional district
- Origin and purpose of Electoral College
- Regional and socio-demographic based voting patterns
- Disproportionate amount of time presidential candidates spend in “battleground states”
- Diversifying issues addressed by candidates during presidential elections
- Abolishing Electoral College with federal constitutional amendment
- Potential for increasing voter participation as people will know their vote counts
- Makes Oregon vulnerable to voting irregularities
- Federal law regarding election returns from states
- Implementation of interstate compact and basis for allocating Electoral College votes

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** The existing mechanism for selecting a president is through the Electoral College, in which states award all of their electoral votes to the candidate with the most popular votes statewide. Most presidential elections have resulted in the eventual Electoral College winner also winning the popular vote--but not always. The idea of electing U.S. presidents by national popular vote gained momentum following the presidential election in 2000, in which the losing candidate won the popular vote, but lost the Electoral College, and the winning candidate won the Electoral College but lost the popular vote.

Several ideas have been considered to prevent this situation from occurring again including: abolishing the Electoral College, which requires a federal constitutional amendment and the support of the legislatures in three-quarters of the

4/16/2013 4:33:00 PM

*This summary has not been adopted or officially endorsed by action of the committee.*

states, distributing Electoral College electors within a state by proportional representation by allocating those electors through a combination of congressional district and statewide elector selection, and as proposed in House Bill 3077, allowing compact member states to award their electoral votes to the candidate with the greatest "national popular vote total."

The process described in House Bill 3077 would only go into effect when the participating states that have joined the compact together have an absolute majority in the Electoral College. Currently, nine jurisdictions (Maryland, New Jersey, Illinois, Hawaii, Washington, Massachusetts, District of Columbia, Vermont, and California) have enacted legislation to join the National Popular Vote Interstate Compact. These nine jurisdictions total 132 electoral votes or 48.9% of the 270 electoral votes needed to be elected to the presidency.