

# NATIONAL POPULAR VOTE

## STRONG SUPPORT OF HB 2927

**Carol Woolman, Multnomah County**

Thomas Jefferson believed that “[e]very constitution... naturally expires at the end of 19 years.” As “new discoveries are made, new truths disclosed... institutions must advance also, and keep pace with the times.” But Jefferson did not manage to insert a 20-year reset button into the US Constitution; instead, the nation ended up with the most difficult to amend or update Constitution in the entire world.

The US Electoral College is a poster child for Jefferson’s fear that a constitution may linger beyond its natural life. When the Founding Fathers conceived of the Electoral College as “a small number” of “men most capable of analyzing” the “complicated” question of who should be President, there were fewer eligible voters in the whole country than there are now in just the city of Portland (there were only 2.5 million people in the whole country, and only a tiny fraction of those—white, wealthy, Protestant men—were allowed to vote).

The United States has tried to bring the Constitution out of the 18th century by amending it to allow:

- Men who aren’t white to vote (14<sup>th</sup> Amendment, 1870),
- Women to vote (19<sup>th</sup> Amendment, 1920),
- Voters to elect their own Senators (17<sup>th</sup> Amendment, 1913)

**The United States is the only country in the world still inserting an Electoral College between voters and the Presidency.** Ignoring landslide elections, this antiquated system anoints the less popular candidate as President one time in seven. A candidate could **win just 22 percent** of the popular vote and win the Presidency, and a candidate has won the Presidency **with just 31 percent** of the vote.

Fortunately, amending the Constitution is not the only path to change. The Constitution lets states decide for themselves how to assign their Electoral votes. The National Popular Vote Interstate Compact bill, pending in your committee, would use the power of the Constitution to modernize U.S. Presidential elections.

At present, most states award their Electoral votes on a “winner-take-all” basis: the Presidential candidate who gets the most votes in the state gets 100% of the state Electors’ votes. This system results in a host of ills for the country:

- **Counterintuitively, the candidate who gets the most votes does not necessarily win the Presidency.** We all know what happened in 2016 and in 2000, when the state winner-take-all system chose George W. Bush, despite Al Gore’s half-million vote lead in the popular vote. But the mismatch between people’s votes and Electors’ votes may not always favor the Democrat. There have been six other near-miss elections since World War II, including in 2004 when a shift of just 59,393 votes in Ohio could have awarded the Presidency to John Kerry, even though George W. Bush would still have won the popular election by nearly 3 million votes.
- **Presidential candidates ignore 80% of Americans and spend all their time and money campaigning in just a few battleground states.** In 2012, Presidential and Vice Presidential candidates only held post-convention public campaign events in 12 states, including 73 visits to Ohio alone. They spent \$463 million on TV ads in just 10 states. Candidates held exactly zero public campaign events in the Pacific Northwest and spent almost no money advertising in Idaho, Oregon, and Washington.

In 2016, candidates spent 94% of their campaign stops in just 11 states. They did 228 visits in just four states – Ohio, Pennsylvania, North Carolina and Florida. New Hampshire and Iowa got 21 and Nevada 17 visits (these three states all have less population than Oregon). California, Oregon and Washington got 0 – 3 visits.

- **Favoritism towards battleground states doesn't stop after the votes are counted.** By the time they are elected, Presidents and their staff members have spent a lot of time listening to and thinking about the issues important to people in battleground states, but no time on the issues important to people in “spectator” states, including Oregon. They continue to have an interest in wooing battleground states, either for themselves or for the next candidate from their party. **To wit, where has Trump held his celebration rallies – in Florida, Ohio, Michigan, Wisconsin, Pennsylvania and Alabama.** Not surprisingly, the few battleground states receive seven percent more Presidentially-controlled grants, twice as many Presidential disaster declarations and more Superfund enforcement and education exemptions.
- **Voters in spectator states correctly sense that their votes for president do not matter.** Voter turnout in battleground states is about 11 percent higher than in less competitive states. Voter turnout often trends upward as a state gets more campaign attention, and downward if a state gets none. Oregon has worked to be a leader in voter turnout. The Electoral College, as it currently operates, doesn't reward Oregon for its enviably high voter turnout which is consistently among the top 10 even though it is not a swing state. Oregon will get seven Electoral College votes whether all three million Oregon citizens mail in their ballots or only one-third of them do. Being ignored by Presidential campaigns doesn't do any favors for motivating a voter in the Beaver State.

As this body knows, states have the power to release themselves from this peculiar historical bondage via the Popular Vote Interstate Compact Agreement. Currently, 10 states plus DC representing 165 electoral votes (61% of the 270 needed) have entered into the agreement.

All but 10 states have introduced at least one bill into the Legislature and 12 have passed legislation through at least one house. Many of these are solidly red states, such as Arizona where the House passed a bill by a 2/3 majority – 40-16 in 2016.

**In a 2008 poll, 76% of Oregonians (82% Democrat, 70% Republican and 70% Independent) and 77% of Washingtonians wanted to change the current system and elect the Presidential candidate who gets the most votes. (Remember, Barack Obama won by a landslide, but they wanted it anyway.)** In 2009, Washington legislators affirmed the will of the people and enacted a bill signing Washington on to the Popular Vote Interstate Compact Agreement.

You know the history of Oregon bills, which passed the House in 2009 (39-19), 2013 (38-21) and once again in 2015 (37-21). And in 2015, a majority of Oregon Senators sponsored a bill. None of these bills made it out of the Oregon Senate. But, Oregon is trying again via HB2927 and SB823 with bi-partisan sponsorship.

The Founding Fathers did give states the power to improve the way Presidential elections work. Oregon could be part of that proud tradition.

**As such, I respectfully request that the House Committee on Rules move HB2927 forward with a “DO PASS” recommendation.**