

STRONG SUPPORT FOR NATIONAL POPULAR VOTE INTERSTATE COMPACT (NPVIC)

Chair Williamson and the House Committee on Rules:

This testimony via exhibit is in strong support of HB 2927, the National Popular Vote Interstate Compact (NPVIC), for the following reasons:

1. The NPVIC empowers every Oregonian's vote such that all states become swing states, and all parties are recognized on a nationwide level.

There is bipartisan agreement that, in states that are not swing states such as Oregon, each vote does not independently count toward the result in a presidential election. Too many of my conservative friends say that their votes are pointless in this solidly blue state of Oregon. Similarly, my liberal friends say that their votes are drowned in a sea of blue, and that if they didn't vote, it would not change the outcome.

People who move to swing states say that their vote is suddenly valued because it can determine the outcome of a Presidential election. The driving force in their determination to vote and the only difference between their vote in Oregon and their vote in North Carolina is their state of residence.

The NPVIC would empower voters such that every state would be considered a swing state. Republicans and Democrats alike would be empowered to vote because every single vote would be counted to the election of the President of the United States.

2. Empowering voters on a national level will increase Oregon's voter turnout.

Voter turnout is highest in swing states because their voters feel that their vote will directly affect the outcome of the presidential election. Mail-in-Ballot states have exceptionally high voter turnout, but we can increase Oregon's rank if we pass the NPVIC. In 2016, the highest turnout for the Presidential election were:

Rank: Voting-Eligible Population (VEP)	State	VEP Highest Office	Swing or Mail- In-Ballot State
1	Minnesota	74.2%	Swing
2	New Hampshire	71.4%	Swing
3	Maine	70.5%	Swing
4	Colorado	70.1%	Swing/Mail
5	Wisconsin	69.4%	Swing
6	Iowa	68.4%	Swing
9	Oregon	66.4%	Mail
11	North Carolina	64.8%	Swing
12	Washington	64.8%	Mail
13	Michigan	64.7%	Swing
14	Florida	64.6%	Swing
19	Pennsylvania	63.0%	Swing
20	Ohio	62.9%	Swing
37	Nevada	57.3%	Swing
44	Arizona	55.4%	Swing

Source: www.electproject.org/home/voter-turnout/voter-turnout-data

[3. The Electoral College does not protect small states; it benefits large swing states during both the presidential campaign and general governance.](#)

Only 12 or 13 states are considered swing states. The majority of campaigning occurs in those states. The current Electoral College system creates a pattern of collecting campaign funds from non-swing states such as Oregon and exporting the funds to large swing states. Even small swing states are mostly overlooked, as we saw in the case of New Hampshire in 2016.

Maryland's Representative and former Constitutional Law professor, Jamie Raskin, said: "Of the 13 smallest states only New Hampshire, already blessed in its primacy in the primary, attracts campaign visits and budgets and filled offices and so on. All told, the dozen smallest states have about the same population as Ohio and because of the two senatorial bonus electors, they actually have 40 electors compared to Ohio's 18. But while they spend tens of millions of dollars and tens of thousands of staff hours in Ohio, they spend essentially zero resources into times and any small states except for New Hampshire because it happens have a rough equivalency of Democrats and Republicans. Candidates don't go to big states or small states, they go to swing states. And within that lucky ban of states, they go to the big ones. Fully 2/3rd general election campaigns and events staged by the Clinton and Trump tickets this year took place in six states: Florida, North Carolina, Virginia, Pennsylvania, Ohio, and Michigan. Amazingly, almost every single appearance and event by the campaigns have been in just 12 states. **So the vast majority of Americans were left on the sidelines**, and this has a predictable effect on voter turnout." (Emphasis added).

Furthermore, campaigning affects governance. Federal funds are distributed based on swing state status and the campaign promises that were made in those respective states. A President seeking re-election will further distribute federal funds to swing states for the sake of future campaigning.

As we have already seen, Trump has registered for re-election and started campaigning for 2020 in Florida. He also tweeted: “I would have done even better in the [2016] election, if that is possible, if the winner was based on popular vote — but would campaign differently.”

Federal emergency funds are more readily given to swing states than non-swing states. If Oregon faces a detrimental earthquake in the next four years, as has been predicted by various scientists, then Oregonians will surely see less federal funds from an administration that does not depend on Oregon’s non-swing electoral votes.

4. The National Popular Vote is a bipartisan issue.

In a congressional hearing on the future of the Electoral College held on December 6, 2016, a Republican Arizona state representative, Bob Thorpe, testified in support of the NPVIC. “In Arizona and Arizona House, we actually passed the National Popular Vote in the House: bipartisan, 20 Republicans, 20 Democrats...I would point out that I think one fix to the problem that we currently have -- and it is a difficult fix -- when you look at state like California, Republican voters are disenfranchised when it comes to electing our president. You go to Texas, and Democratic voters are disenfranchised there.”

According to Harvard Professor and historian, Alexandar Keyssar: “Two of the leading advocates of National Popular Vote in the mid-20th century were John Pastore of Rhode Island and William Langer of the very small state of North Dakota.”

5. A popular vote system works for governors of every state, federal senators, and federal representatives, so it can work for the President of the United States. Oregon should honor the fundamental right of “one person, one vote.”

Every elected official (e.g. governor, senator, and representative) is elected by a popular vote system. The Constitution was amended to allow for direct election of Senators, even though it was against what our founding fathers originally intended. Deadlocked states post-Civil War did not have any Senators to send to Washington D.C. because of the highly contentious and corrupt appointment practices. The 17th Amendment sought to correct that practice and allow for direct election of Senators. If we can directly elect our Senators, we should also directly elect the President of the United States.

The constitutional “fundamental right” of “one person, one vote” is diminished in an Electoral College system when states act as gerrymandered districts (*Reynolds v. Sims*, 377 U.S. 533 (1964)). Our founding fathers intended the Electoral College to be a compromise to protect the slave states. And when the first national popular vote bill was introduced in 1816, it was dismissed because it would harm slave states. In an era where slavery is abolished,

Stanford University professor and historian, Jack Rakove said: “The original history, the origins and evolution of the Electoral College is not something we need to admire or feel bound to obey.”

Currently, a person's vote from Wyoming has 3.6 times the power and value of a person's vote from California. This is violation of the "fundamental right" given to us in our Constitution, but courts defer to the legislature on this issue because it is a "political question" that belongs in the legislature. This is why the NPVIC should pass at the state level.

Oregon still has the ability to withdraw from the Interstate Compact 6 months before a presidential election.

This provision in the bill is a weakness, but a compromise, allowing states to adjust with the political climate.

This bill preserves the state's right to appoint electors and protects the presidential election through the appointment powers of these electors.

In 2016, there was an unprecedented attempt from the public to sway the opinion of the Electoral College and use the electors for their intended purpose, as Alexander Hamilton wrote in Federalist 68, to protect the nation from "the desire in foreign powers to gain an improper ascendant in our councils."

There is a new perceived notion that the elector's role includes political discernment. And as we saw on December 9, 2016, Oregon's electors voiced their opinion against foreign involvement in the election before placing their vote for President and Vice President. The political climate currently empowers electors to serve as a check against the popular vote and the Electoral College winner-take-all system. But the future of politics may bring further unprecedented activity and Oregon will have the ability to adjust their electoral votes accordingly.

We should allow the state of Oregon to serve its constitutionally protected duty of passing local bills, testing out local rules, and allowing for growth with modernity. We should let the states choose the next step forward in shaping Constitutional Law, just as states have historically done for:

- Black people's right to vote (15th Amendment)
- Women's right to vote (19th Amendment)
- The right for interracial marriage (*Loving v. Virginia*, 388 U.S. 1 (1967))
- The right for marriage equality (*Obergefell v. Hodges*, 576 U.S. ___ (2015))
- And many more

For these aforementioned reasons, I am in strong support for the National Popular Vote Interstate Compact.

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