

Dear Senate Rules Committee,

I want to reiterate my strong support for HB 2927, the National Popular Vote Interstate Compact (NPV). See my written testimony submitted to the House Rules Committee on May 16.

I also want to state why I do not support SB 825, which refers the NPV to the voters.

First, the United States Constitution, Article II, section 1, clause 2, requires state legislatures to appoint electors: "Each State shall appoint, **in such Manner as the Legislature thereof may direct**, a Number of Electors, ..." (emphasis added). A referral of this issue to the voters might not meet constitutional requirements.

Second, when Oregon adopted its current winner-take-all system, it was the legislature that did so. The issue was not referred to the voters. The legislature should treat this issue in the same manner as it has done in the past: it should vote on HB 2927, without amendment.

Third, if enough voters want to vote on the issue, Oregon provides a process for that. The voters can seek the necessary signatures to get a referendum on the ballot. But referring the NPV to the voters in the first instance turns the legislative process upside down.

Finally, SB 825 seems like a disguised attempt to kill the NPV. It refers the issue to the next primary election, where turnout is notoriously low. If the legislature really wanted the voters to have their say on the NPV, it would refer the issue to a general election. Furthermore, ballot campaigns are extraordinarily costly. Well-funded special interest groups, often from outside the state, can exercise outsize influence, especially in a primary election. Referring the issue to voters could result in defeat of the NPV merely because the in-state proponents of the NPV do not have the money to run a ballot campaign. That's not a fair way to legislate.

In summary, I urge the committee to send HB 2927, unamended, to the full Senate with a "do pass" recommendation. Thank you for your time and consideration.

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