



**Testimony of Kimberly McCullough, Policy Director
In Support of HB 2927 and Regarding SB 825
Senate Committee on Rules
June 21, 2017**

Chair Burdick and Members of the Committee:

The ACLU of Oregon¹ supports HB 2927, which would enact the Interstate Compact for Agreement Among the States to Elect the President by National Popular Vote. The Interstate Compact provides that election officials in participating states will award their Electoral College votes to the presidential candidate who receives the most votes in all 50 states and the District of Columbia. The compact will not go into effect until enacted by states collectively possessing a majority of the electoral vote (270 of 538 electoral votes). Currently, the compact has been enacted into law in eleven jurisdictions with 165 electoral votes.

HB 2927 ensures that every vote counts, furthering the principle of one person, one vote. By ensuring that each vote has an equal impact on the outcome of the Presidential Election, a national popular vote gives each citizen equal power in the election, regardless of the state in which the voter lives. Instead of voters in a few swing states deciding the outcome, every vote in every state will have an equal opportunity in electing the president.

HB 2927 will ensure that the candidate with the most votes wins. The compact would eliminate the possibility that a candidate who received the most popular votes, but did not receive the requisite 270 Electoral College votes needed to win, could lose the election.²

The ACLU of Oregon supports HB 2927 because it is a bipartisan and constitutional effort. As a bipartisan effort, HB 2927 reflects the fact that the promotion of democratic principles that strengthen our democracy is not a partisan issue. The bill is also consistent with Article II, Section 1 of the Constitution, which provides that: "Each State shall appoint, in such manner as *the legislature* thereof may direct, a Number of Electors..." (emphasis added). Under this provision, Oregon has the inherent power to select Electors as long as other provisions of the Constitution are not violated.

¹ The American Civil Liberties Union of Oregon (ACLU of Oregon) is a nonpartisan, nonprofit organization dedicated to the preservation and enhancement of civil liberties and civil rights, with more than 43,000 members across the State of Oregon.

² This has happened five times in American history: in 1824 (Adams-Jackson), 1876 (Hayes-Tilden), 1888 (Harrison-Cleveland), 2000 (Bush-Gore), and 2016 (Trump-Clinton).

SB 825, on the other hand, defers this *legislative responsibility* by including a referral to the voters. As noted above, Article II, Section 1 of the Constitution specifically assigns the job of choosing the method of awarding electoral votes to the state legislature, which is how this issue has been decided across the country, and even how Oregon's current electoral system was enacted.

SB 825 would also require an extremely costly ballot campaign during a low-turnout primary election. We are concerned in such a situation, well-funded opposition from outside of the state could undermine this effort to ensure that every Oregonian's vote in a presidential election counts equally with votes from around the country.

For these reasons, the ACLU of Oregon urges your support of HB 2927.