

HB 2927 STAFF MEASURE SUMMARY

Carrier: Rep. Keny-Guyer

House Committee On Rules

Action Date: 05/18/17
Action: Do Pass.
Vote: 5-4-0-0
Yeas: 5 - Holvey, Nosse, Rayfield, Smith Warner, Williamson
Nays: 4 - Barreto, Hack, Kennemer, McLane
Fiscal: No fiscal impact
Revenue: No revenue impact
Prepared By: Erin Seiler, LPRO Analyst

WHAT THE MEASURE DOES:

Enacts Oregon’s participation in Interstate Compact for Agreement Among the States to elect United States President by national popular vote.

ISSUES DISCUSSED:

- Number of jurisdictions participating in 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 elections
- Ability of candidate who receives most votes to win presidential election
- 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
- Potential to increase voter participation if citizens know their vote counts
- Implementation of interstate compact and basis for allocating Electoral College votes

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The existing mechanism for selecting a president is through the Electoral College. Each state is allocated a number of electoral votes according to the size of its Congressional delegation: two votes for each U.S. Senator and one vote for each member of the U.S. House of Representatives. The candidate who receives the most votes statewide, receives all the state's electoral votes. Most presidential elections have resulted in the eventual Electoral College winner also winning the popular vote - but not always. The idea of electing United States presidents by national popular vote gained momentum following the presidential elections in 2000 and 2016 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 in the future, including: abolishing the Electoral College, which requires a federal constitutional amendment supported by three-quarters of the states; distributing Electoral College electors proportionally within a state by allocating them through a combination of congressional district and statewide elector selections; and establishing an interstate compact to allow member states to dedicate electoral votes to the candidate with the greatest "national popular vote total."

Currently, 11 jurisdictions have enacted legislation to join the National Popular Vote Interstate Compact (the Compact): Maryland, New Jersey, Illinois, Hawaii, Washington, Massachusetts, District of Columbia, Vermont, Rhode

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Island, New York and California. These 11 jurisdictions total 165 electoral votes or 61 percent of the 270 electoral votes needed to be elected to the presidency. By its terms, the Compact takes effect when enacted by states cumulatively possessing a majority of all electoral votes.

House Bill 2927 enacts the Compact to enable Oregon's participation. If enough states participate in the future to cause the Compact to take effect, the chief election official of each participating state would: separately determine number of votes for each presidential slate and add those votes to all other states, including the District of Columbia, to provide "a national popular vote total" for each slate of presidential candidates and designate the presidential slate with the largest national popular vote total as the "national popular vote winner." Participating states are permitted to withdraw from the Compact.