

Senate Committee on Rules
Senator Ginny Burdick, Chair

6 February 2018

Testimony in opposition to SB 1512

Chair Burdick, Members of the Committee:

My name is Davis Dyer. I am a resident of Keizer, a former secondary school teacher, and political activist. I have lived in the State of Oregon for a bit more than two-thirds of my life, having lived in Seattle, Washington for the first eighteen years of my life. I strongly oppose the misguided and ill-conceived effort to join the National Popular Vote Interstate Compact.

Words cannot express my profound disappointment in the Members of the Oregon Legislature who have four times voted and/or expressed their desire to vote to sublimate the sovereignty of this great state to the will of others and in the process destroy the carefully-crafted system of selecting the president of the United States that has preserved for us our nation.

Every leap year, as prescribed in the U.S. Constitution, on the first Tuesday following the first Monday of the month of November citizens in fifty-one jurisdictions — the fifty states and District of Columbia — cast their ballots naming their choice for a slate of electors who will approximately one month later gather to cast their ballots to elect the president and vice-president of the United States for the next four years. This system is unique in the world. It displays a genius in our Founders that must inspire awe. One would be hard-pressed to conceive of a system that could provide for the orderly transfer of power from one person/administration to the next forty-six times while accommodating the immense growth and expansion of our nation across the North American continent and half-way across the Pacific Ocean.

During their deliberations in Philadelphia in 1787, the delegates to the convention that replaced the Articles of Confederation with our Constitution realized that the nation needed more than a Congress to hold the states together. They also realized that to preserve the integrity and sovereignty of the individual States (as well as the authority of Congress) that the president could not be elected by a simple majority vote of all the people. Yet they wanted to ensure that the president would be elected by the best majority possible. In addition to rejecting a national popular vote, they also rejected a simple majority of states, realizing that this would inevitably produce rancor between large-population states and lesser-population states. What they devised was the genius that they dubbed the Electoral College.

The Electoral College follows the participation or representation of each State in the federal government. Every State is guaranteed at least two electoral votes since each State has two members in the Senate. The rest of a State's electors are allocated by the number of members in the House. Thus, as a State's representation in the House changes, the number of electors it sends to the Electoral College changes. A prime example of this is on our doorstep: Oregon expects to receive a seat in the House following the census in 2020 from one of the other forty-nine states due to shifts in population.

All of this is to show you that the national popular vote is at best an irrelevant chimera. The national popular vote has never mattered in the election of president. One could even argue that it doesn't even exist except as a compilation of the popular vote totals of the fifty-one individual elections. Why would

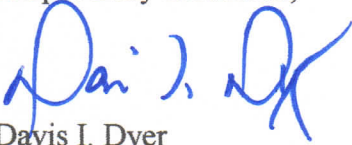
any State wish to give any sort of credence to a myth?

In addition, the above shows that the Compact, if not unconstitutional (therefore illegal) by encroaching upon the authority and prerogatives of the federal government, is certainly anti-constitutional. That is, it contravenes the fundamental principles of federalism, separation of powers, and state sovereignty upon which the Constitution is built. This legislature should be fighting to retain our self-interest and unique position as a State rather than rushing recklessly to give them up.

Oregon is among those lesser-population states. Our total population is approximately one-third that of New York City. Even if every single Oregonian eligible to vote cast their ballots for the same candidate in a presidential election, if only half of the voters of NYC cast their ballots for the opponent, Oregon would lose. If this body has heard about the frustration often expressed by those who live outside the Portland metro/tri-county region regarding the perceived exaggerated impact the region exerts on statewide elections, you can easily imagine the holy hell Oregonians would rightly raise in such a circumstance. The Compact is not in our best interest.

For constitutional reasons, for self-interest reasons, for sovereignty reasons, SB 1512 should not pass out of this committee. Vote NO.

Respectfully submitted,



Davis I. Dyer
Keizer, OR
6 February 2018