

To: House Committee on Rules
Rep. Paul Holvey, Chair
Rep. Jennifer Williamson, Vice-Chair
Rep. Carl Wilson, Vice-Chair
Re: Senate Bill 870

Chair Holvey, members of the committee,

Although I am not able to testify in person at the public hearing, I am pleased to submit this testimony for the record on Senate Bill 870 — Relating to the Agreement Among the States to Elect the President by National Popular Vote.

I urge you to protect the sovereignty of the State and the integrity of the votes of Oregon's citizens by rejecting this bill.

The United States is a union of fifty (50) sovereign, independent States, each having a legislature, executive, and judiciary that operate separately from and in parallel to the federal government. Each state has codified laws that regulate the activities of all who find themselves within the borders of said state. While there are many laws and customs common to many, or even all, of the states, no state is in a position of authority over another.

ALL elections, including those for federal offices, i.e. Congress and President, are conducted within each State, following the laws established by the legislatures of those states (See U.S. Constitution, Art. 1, Sec. 4, Cl 1). The only requirement established in federal law that every State must follow is the date of the election for President (See U.S. Constitution, Art 2, Sec. 1, Cl 4). On the first Tuesday after the first Monday of November every four years, voters in fifty-one (51) jurisdictions (the fifty states and District of Columbia) cast their ballots for slates of electors pledged to one of the candidates for president eligible to appear on that jurisdiction's ballot. The victorious slates in turn assemble in their respective capitals in mid-December to cast their ballots for the candidate to whom they pledged their votes.

Because we have no national election(s) — the election of the president is, at best, a *nationalized* election since the office is the only one to reach all states — we seriously mischaracterize the amalgamation of the popular vote totals of each of the fifty-one jurisdictions as a “national popular vote”. While such amalgamation might be instructive, it can be used accurately only to assess relative support between states and D.C. For example, a record 13% of the votes cast for Mrs. Clinton were from a single state — California. The **margin of victory** for Mrs. Clinton in California — 4.2 million — is more than the total number of votes cast for president in all but seven other states (five of which Mr. Trump won) and more than accounts for her 2.9 million plurality (she garnered only 48% of all votes cast in all fifty-one jurisdictions) nationwide. By the way, no candidate who received more than 50% of all votes cast has ever lost in the Electoral College. The “national popular vote” is a non-entity; it counts for nothing.

Because the National Popular Vote Interstate Compact (NPVIC) does not eliminate the Electoral College, but simply manipulates the casting of votes within its structure, supporters believe it still fits within our constitutional framework and history. It does not. While they correctly point out that the Constitution vests in the legislature of each State the responsibility to “appoint...a number of Electors”, they fail to account for the consequences of the manner in which those electors are selected. The

legislatures of all fifty states (and Congress on behalf of D.C.) have chosen to appoint their electors by popular vote. The U.S. Constitution mandates that each State must guarantee to its citizens a representative form of government. It would therefore be illegal and violate every legislator's oath of office to support and defend the U.S. Constitution and their state's constitution to allow the legislature to appoint a slate of electors other than the slate elected by the people of the state.

To sign on to the NPVIC is to divest the State of Oregon of its sovereignty in the matter of the election of the President of the United States. I urge the committee to resist the siren call of the NPVIC and **reject** SB 870.

Respectfully,

Davis I. Dyer
4888 Sea Gale Way N
Keizer, OR 97303-6368