



**LEAGUE OF WOMEN VOTERS®
OF OREGON**

The League of Women Voters of Oregon is a 97-year-old grassroots nonpartisan political organization that encourages informed and active participation in government. We envision informed Oregonians participating in a fully accessible, responsive, and transparent government to achieve the common good. LWVOR Legislative Action is based on advocacy positions formed through studies and member consensus. The League never supports or opposes any candidate or political party.

June 20, 2017

To: Senate Committee on Rules
Senator Ginny Burdick, Chair

Re: HB 2927, Enacts National Popular Vote Interstate Compact – **Support**
SB 825, Enacts National Popular Vote Interstate Compact via Referral – **Oppose**

Throughout its 97-year history the League of Women Voters has been guided by its core principles, and one of its most cherished is the belief that every citizen should be protected in the right to vote. Today we continue the fight to ensure that every vote matters when electing a President, the highest office in the land. We strongly support HB 2927, which would allow Oregon to join the National Popular Vote (NPV) Interstate Compact, an agreement among the states to guarantee the Presidency to the candidate who receives the most votes in all 50 states and D.C. We strongly oppose SB 825, the referral version of the bill, and our reasons are listed toward the end of this testimony.

NPV has already been enacted into law in 10 states and D.C., representing 165 electoral votes, and will become effective when the total electoral votes of the states signing onto the compact reaches 270, the minimum required to win the presidency. Because it does not abolish the Electoral College, a Constitutional Amendment is not needed. Electors in participating states remain in place, but all electoral votes must go to the winner of the national popular vote. NPV can withstand legal challenges, because the Constitution clearly stipulates that each state has the right to choose its method of selecting presidential electors. Unlike the current system, no state or region is favored, since all votes count the same.

The inequities in the current Electoral College system have been well documented and exist largely because of state winner-take-all laws enacted in all but two states. These laws require a state to award all its electoral votes to the presidential candidate who receives the most popular votes within that state. The result is that only a handful of states are truly competitive, so campaigns tend to ignore the rest. The winner-take-all aspect also allows candidates to win the presidency without winning the most votes nationwide, which has happened four times in our nation's history, most recently in 2016.

League support for NPV is not a recent decision. In fact, our advocacy to correct the flaws in our current presidential electoral process go back nearly fifty years. The Electoral College itself is a vestige of a time when widely scattered citizens with scant information about the candidates were not trusted to select the President directly, so a compromise was crafted to assign electors the role of intermediaries in the election process. This compromise also served to appease slave states, who were eager to maintain a system that allowed them to include slaves in their population counts, using the two-fifths rule. The Electoral College, along with the winner-take-all laws in all but two states, persists until the present day not because it is a superior system, but

because it suits entrenched partisan interests to maintain an unequal distribution of power. It serves no purpose in a modern democratic society.

As stated earlier in this testimony, as well as in a recent letter to Senate Rules Committee members, the League strongly opposes SB 825, which refers NPV to the voters. Although on the surface it may seem like a good idea to let voters have the final say, in our opinion there are several critical reasons for not doing so:

- The U.S. Constitution specifically assigns the job of choosing the method of awarding electoral votes to state legislatures, and it is unclear whether a referral to voters would even be constitutional. None of the eleven jurisdictions that have already joined the Compact have done so by referral, so this would make Oregon an outlier and almost certainly throw it into the court system. Also, it should be noted that legislatures, not voters, passed winner-take-all laws across the country, creating the inequities that exist in the Electoral College System today.
- Putting NPV on the ballot would throw it into the highly charged arena of partisan politics today. It is likely that a great deal of opposition money would flow into Oregon with the potential to polarize, confuse, and mislead voters, while public interest non-profits would be hard-pressed to compete with a well-funded spin machine. Most importantly, a referral defeat in Oregon would set a precedent that would likely spell doom for the NPV effort across the country. Simply put, it is too expensive to mount ballot measure campaigns in multiple states.
- Public support is clearly strong for the Legislature to pass HB 2927. Legislators have received over 14,000 communications in support, and the list of organizations and individuals who have endorsed it is long indeed. By “passing the buck” to voters, legislators are in effect abdicating a responsibility that the Constitution has expressly given to them and sending a signal that voting fairness is not a priority in Oregon.

The NPV bill passed the Oregon House in 2009, 2013, 2015, and once more in 2017. It is up to you, the members of the Senate Rules Committee to move this bill forward. We urge you to send HB 2927 to the Senate floor with a due pass recommendation. It is past time that Oregon, a leader in election reform, joins the National Popular Vote Interstate Compact.

Thank you for the opportunity to discuss this legislation.



Norman Turrill
LWVOR President



Marge Easley
LWVOR National Popular Vote Portfolio