



## Statement in Favor of House-Passed National Popular Vote Bill (HB 2927)

June 20, 2017

The National Popular Vote bill (HB 2927) would guarantee the Presidency to the candidate who receives the most popular votes in all 50 states (and the District of Columbia).

The National Popular Vote bill would guarantee that *every* voter in *every* state will be politically relevant in *every* presidential election.

### **Shortcomings of Current Method of Electing the President**

The shortcomings of the current system of electing the President stem from the *state* winner-take-all laws — that is, the state laws that award *all* of a state’s electoral votes to the presidential candidate who receives the most popular votes in each *separate* state.

Because of the winner-take-all rule, presidential candidates have no reason to visit, advertise, organize, or even poll in states (such as Oregon) where they are comfortably ahead or hopelessly behind.

As presidential candidate and Wisconsin Governor Scott Walker said in 2015:

“The nation as a whole is not going to elect the next president. Twelve states are.”

In 2016, candidates concentrated over two-thirds of their campaign visits and ad money in just 6 closely divided “battleground” states (Ohio, Florida, Virginia, North Carolina, Pennsylvania, and Michigan), and 94% in just 12 states.

Oregon and 37 other states are mere spectators to presidential elections.

Battleground states receive 7% more presidentially-controlled grants, twice as many disaster declarations, and disproportionately more presidential waivers and exemptions.

The book *Presidential Pork: White House Influence over the Distribution of Federal Grants* found:

“Presidents engage in pork barrel spending in a comprehensive and systematic way to advance their electoral interests. ... Presidents target the federal largesse toward swing states.”

Because of the winner-take-all rule, a candidate can win the Presidency without winning the most popular votes nationwide. Five of the nation’s 45 Presidents have come into office without winning the most popular votes nationwide. In 2004, a shift of 60,000 votes in Ohio in would have defeated President Bush despite his nationwide lead of over 3,000,000 votes.

### **Constitutional Basis of the National Popular Vote Bill**

The U.S. Constitution gives state legislatures the power to choose the method of awarding the state’s electoral votes. Article II, section 1 says:

“Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors....”

The U.S. Supreme Court repeatedly stated that this power of the state legislature is “exclusive” and “plenary.”

The winner-take-all rule is *not* in the Constitution. It was *not* debated at the Constitutional Convention. It was *not* mentioned in the Federalist Papers. It was used by only 3 states in the nation's first presidential election in 1789 (and all 3 of them repealed it by 1800).

Maine and Nebraska currently award electoral votes by congressional district. This is a reminder that the state legislature has the power to choose the method of awarding electoral votes.

## **How National Popular Vote Bill Works**

The NPV bill is an interstate compact—like the Colorado River Compact—and dozens of other major compacts that Oregon is part of.

Under the National Popular Vote compact, all the electoral votes from the enacting states would be awarded to the presidential candidate who receives the most popular votes in all 50 states (and DC).

The bill would take effect when enacted by states possessing a majority of the electoral votes — that is, enough electoral votes to elect a President (270 of 538).

## **Status of National Popular Vote bill in Other States**

The National Popular Vote bill has passed 35 legislative chambers in 23 states (AR, CA, CO, CT, DC, DE, HI, IL, ME, MD, MA, MI, NV, NJ, NM, NC, OR, RI, VT, WA).

The bill has been enacted by state legislatures representing 165 electoral votes. The enacting states include four *small* jurisdictions (Rhode Island, Vermont, Hawaii, and DC), three *medium-sized* states (Maryland, Washington, and Massachusetts), and four *big* states (New Jersey, Illinois, New York, and California).