



**Testimony of Kimberly McCullough, Policy Director
Opposing SB 1512 Unless Amended – National Popular Vote Referral
Senate Rules Committee
02/06/2018**

Chair Burdick and Members of the Committee:

The American Civil Liberties Union of Oregon¹ supports enactment by this legislature of the Interstate Compact for Agreement Among the States to Elect the President by National Popular Vote. **However, we cannot support SB 1512 unless it is amended so that it is a clean enactment of the Interstate Compact, rather than a legislative referral.**

The Interstate Compact provides that election officials in participating states will award their Electoral College votes to the presidential candidate who receives the most votes in all 50 states and the District of Columbia. The compact will not go into effect until enacted by states collectively possessing a majority of the electoral vote (270 of 538 electoral votes).

National Popular Vote will ensure that every vote counts, furthering the principle of one person, one vote. By ensuring that each vote has an equal impact on the outcome of the Presidential Election, national popular vote gives each citizen equal power in elections, regardless of the state where the voter lives. Instead of voters in a few swing states deciding the outcome, every vote in every state will have equal opportunity in electing the president.

National Popular Vote will ensure that the candidate with the most votes wins. The compact would eliminate the possibility that a candidate who received the most popular votes, but did not receive the requisite 270 Electoral College votes needed to win, could lose the election.²

However, instituting the National Popular Vote must be consistent with Article II, Section 1 of the Constitution, which provides that: “Each State shall appoint, in such manner as *the legislature* thereof may direct, a Number of Electors...” (emphasis added). Under this provision, Oregon has the inherent power to select Electors as long as other provisions of the Constitution are not violated.

¹ The American Civil Liberties Union of Oregon (ACLU of Oregon) is a nonpartisan, nonprofit organization with more than 42,000 members in the State of Oregon.

² This has happened five times in American history: in 1824 (Adams-Jackson), 1876 (Hayes-Tilden), 1888 (Harrison-Cleveland), 2000 (Bush-Gore), and 2016 (Trump-Clinton).

For these reasons, the ACLU of Oregon urges you not to pass SB 1512 unless it is amended so that it is a clean enactment of the Interstate Compact, rather than a legislative referral. If such a change was made, we would enthusiastically support SB 1512.

Please feel free to contact me if you have any questions, comments, or concerns.