



**Testimony of Ricardo Lujan-Valerio, Policy Associate  
In Support of SB 870  
House Rules Committee  
May 20, 2019**

Chair Holvey and Members of the Committee:

The American Civil Liberties Union of Oregon<sup>1</sup> supports SB 870, which would enact the Interstate Compact for Agreement among the States to Elect the President by National Popular Vote.

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). Currently, the compact has been enacted into law in 13 states and the District of Columbia with 184 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.<sup>2</sup>

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<sup>1</sup> The American Civil Liberties Union of Oregon (ACLU of Oregon) is a nonpartisan, nonprofit organization dedicated to preservation and enhancement of civil liberties and civil rights, with more than 45,000 members and supporters statewide.

<sup>2</sup> 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).

**SB 870 is the constitutionally correct way to enact the National Popular Vote.** The bill is 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.

**For these reasons, the ACLU of Oregon urges you to support SB 870.** Please feel free to contact us if you have any questions, comments, or concerns.