



From the Desk of  
Representative  
Carl Wilson

HOUSE OF REPRESENTATIVES

**Floor Letter on SB 870**

5 June 2019

CW

Dear Colleagues,

One of America's quintessential values is its commitment to expanding democracy. As Americans, we pride ourselves on our ability to expand participation in the democratic process, however reluctantly, to as many citizens as possible. There are issues relating to elections and voting in the United States such as gerrymandering, allegations of voter suppression, voter fraud, purging of voter registries, and voter access that threaten the integrity of our elections and election process as all of these problems aim to deliberately prevent eligible voters from exercising their Constitutional and civil rights.

Nothing in the National Popular Vote Compact (NPVC) addresses the real issues plaguing our electoral system. Of the 58 presidential elections held in American history, only five have resulted in an upset in the Electoral College, swearing in a President who had not won the popular vote. That is only 8% of elections for President. The NPVC would require electoral votes from member states to go to the candidate who wins the national popular vote. This is problematic if Oregon joins because it would not matter how Oregonians voted, the seven electoral votes would only go to the national winner, which is not necessarily whom the voters of Oregon selected via Oregon's popular vote total. This is simply undemocratic. Additionally, voters outside of the NPVC, or the other 265 electoral votes, and the electorate of those states will see their vote diminished by the NPVC, as it would not matter who their state voted for once the compact is enacted.

SB 870 builds off a false equivalency of a "one person, one vote" policy. SB 870 is an attempt to circumvent a constitutional process we have the ability to address, both as citizens and legislators. Additionally, members of the compact have the individual capabilities to change how they allocate their electors independently of the NPVC but have chosen to keep their current system until enough states have joined the NPVC. Joining the NPVC would also extremely limit Oregon's constitutional responsibility to organize and implement voting laws, which would further dilute the voice of Oregonians in the election process. It is absolutely imperative to stand strong by the constitutional institutions that were created by our Founding Fathers.

The Founding Fathers were clear about the requirement needed to be elected president: "The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed."<sup>1</sup> The NPVC rationalizes its outcome

<sup>1</sup> Amendment XII to the United States Constitution. Ratified June 15, 1804. <https://www.archives.gov/founding-docs/amendments-11-27#12>

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will produce a *majority* of Americans for a single candidate, but fails to account a plethora of data available that contradicts this premise. According to the 2010 Census- the United States had about 308 million residents<sup>2</sup>; in 2016, around 128.7 million citizens cast a vote for President of the United States<sup>3</sup>; a *majority* of the population would be around 154 million people, and the Census estimates the eligible voting population to be around 230 million citizens, meaning the *majority* of eligible voters would be around 115 million.<sup>4</sup>

Upon further examination of the 2016 election data of President Trump and Secretary Clinton in 2016 shows that a *majority* of the 2016 electorate that cast a vote (128.7 million) is about 64.3 million citizens. Accordingly, President Trump's popular vote total of 62,955,202 equates to: 48.9% of ballots cast (128.7 million ballots), which is only about 27.4% the eligible 2016 electorate (roughly 230 million citizens), and about 20.4% of the total 2010 estimated American population (308 million residents) to Secretary Clinton's 65,794,399: 51.1% of ballots cast, which is only about 28.6% of the eligible electorate, and 21.4% of the total 2010 estimated American population.<sup>5</sup>

It is absolutely clear that neither candidate from 2016 held a *majority* of the eligible electorate (115 million ballots); indeed, Secretary Clinton received a *majority* of the ballots cast, but that does not equate to a *majority* of eligible voters. This means that, under a system that awards the necessary 270 electoral votes to the candidate that wins the national popular vote, the candidate will have won with only a *plurality* of voters, rather than a *majority*. The Electoral College does require a *majority* of electors, who represent the people of their state, creating a higher standard to meet than that of a *plurality*. In short, there are simply not enough eligible Americans exercising their right to vote- only 128.7 million of the eligible 230 million participated in the 2016 election- to establish that a *majority* of Americans vote for a candidate.



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<sup>2</sup> <https://www.census.gov/programs-surveys/decennial-census/decade.html>

<sup>3</sup> <https://www.archives.gov/federal-register/electoral-college/2016/election-results.html>

<sup>4</sup> U.S. Census Bureau, Statistical Abstract of the United States: 2012- Page 246.

<https://www.census.gov/prod/2011pubs/12statab/election.pdf>

<sup>5</sup> 2016 Election Results from the National Archives