



**Testimony of Kimberly McCullough, Legislative Director  
In Support of SB 823  
Senate Committee on Rules  
March 6, 2017**

Chair Burdick and Members of the Committee:

The American Civil Liberties Union of Oregon<sup>1</sup> supports SB 823, which would enact the Interstate Compact for Agreement Among the States to Elect the President by National Popular Vote. As a nonpartisan organization dedicated to preservation and enhancement of civil liberties and civil rights, the ACLU of Oregon supports efforts that further core principles of democracy.

The Interstate Compact provides that state election officials in all states participating in the plan would award their Electoral College votes to the presidential candidate who receives the largest number of popular votes in all 50 states and the District of Columbia. The compact would not go into effect until enacted by states collectively possessing a majority of the electoral vote – 270 of the 538 electoral votes. Currently, the compact has been enacted into law in eleven states with 165 electoral votes.

SB 823 ensures that every vote counts. By ensuring that each vote has an equal impact on the outcome of the Presidential Election, a national popular vote gives each citizen equal power in the election, regardless of the state in which the voter lives. Instead of voters in a few swing states deciding the outcome, every vote in every state will have an equal opportunity in electing the president.

The bill 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.

The ACLU of Oregon supports SB 823 because it is a bipartisan and Constitutional effort. As a bipartisan effort, SB 823 proves that the promotion of democratic principles is not a partisan issue, thus strengthening our democracy. The bill is also 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..." Therefore, Oregon has the 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 823.

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<sup>1</sup> The American Civil Liberties Union of Oregon (ACLU of Oregon) is a nonprofit organization with more than 37,000 members in the State of Oregon, and that number is growing as we speak.