

HOUSE BILL REPORT

HB 1750

As Reported by House Committee On:
State Government & Tribal Affairs

Title: An act relating to electing the president of the United States by national popular vote.

Brief Description: Adopting the interstate agreement for the election of the president of the United States by national popular vote.

Sponsors: Representatives McDermott, Hankins, Miloscia, Armstrong, Jarrett, Campbell, Appleton, Darneille, O'Brien, Hasegawa, Roberts, Ormsby and Chase.

Brief History:

Committee Activity:

State Government & Tribal Affairs: 1/15/08, 1/22/08 [DPS].

Brief Summary of Substitute Bill

- Authorizes Washington to enter into an interstate agreement to allocate the state's electoral votes for President and Vice President of the United States based on the national popular vote winner.
- Requires each member state to conduct a statewide popular election for President and Vice President of the United States and communicate the results of the election to other member states.
- Requires presidential elector certifying officials to certify the appointment of the presidential electors of member states based on the national popular vote winner.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Assistant Ranking Minority Member; Kretz, Lias, Miloscia and Ormsby.

Minority Report: Do not pass. Signed by 1 member: Representative Chandler, Ranking Minority Member.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Tracey Taylor (786-7196).

Background:

The President and Vice President of the United States are not elected by direct popular vote. Instead, the President and Vice President are elected by a group of 538 people who are known individually as "presidential electors" and collectively as the "electoral college." Each political party nominates its own candidates for the position of presidential elector.

Article II, Section 1 of the United States Constitution provides that "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress."

In 48 states the presidential candidate receiving the most votes is awarded all of the states' electoral votes. Two states, Maine (since 1972) and Nebraska (since 1992), use a congressional district system for allocating electoral votes. The states' authority to determine the manner of awarding their electoral votes is absolute and exclusive.

The presidential electors cast their votes for President and Vice President in mid-December in meetings held in the 50 state capitals and the District of Columbia. A presidential or vice-presidential candidate must win a majority of the electoral votes in order to be elected to office (270 out of 538 electoral votes). The U.S. House of Representatives chooses the President and the U.S. Senate chooses the Vice President if there is no majority. It is possible to win the presidency without winning the most popular votes nationwide. In fact, second-place candidates were elected in 2000, 1888, 1876, and 1824.

Legislation relating to the states' electoral votes has been introduced in 48 states, passing in Maryland and New Jersey. The nearly identical bills consist of an interstate agreement that all states' electoral votes be awarded to the presidential candidate who receives the most popular votes nationwide.

Summary of Substitute Bill:

Washington shall enter into an interstate agreement with any other states that have enacted, in substantially similar form, the "Interstate Agreement for the Election of the President of the United States by National Popular Vote." Each member state of this agreement must conduct a statewide popular election for President and Vice President of the United States.

Manner of Appointing Presidential Electors in Member States

- Before the presidential electors meet and vote, each member state must determine the number of votes cast for each presidential slate. The votes from each state will be added together to produce a national popular vote total.
- At least six days prior to the meeting and voting of presidential electors, each member state must communicate the final popular presidential vote to other member states.

- The presidential elector certifying official (official) of each member state must certify the appointment of the presidential electors based on the national popular vote winner.
- If there is a tie for the national popular vote winner, the official must certify the appointment of the elector slate based on the popular vote within the official's state.

Other Provisions

- Any member state may withdraw from the agreement, except that any withdrawal occurring within six months before the end of a President's term does not become effective until a President or Vice President has been qualified to serve the next term.
- The chief executive of each state must notify all other member states when this agreement has been enacted or when the state has withdrawn.
- This agreement terminates if the electoral college is abolished.

Substitute Bill Compared to Original Bill:

The proposed substitute bill eliminates authorization for the Governor to enter into this agreement, instead making the agreement self-executing. The severability clause is also removed.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect when states cumulatively possessing a majority of the electoral votes have enacted this agreement in substantially the same form and the enactments by these states have taken effect in each state.

Staff Summary of Public Testimony:

(In support) The shortcomings of the current system of electing the President stem from the winner-take-all rule that awards all of a state's electoral votes to the presidential candidate who receives the most popular votes in each state. Under this system, the candidates have no reason to poll, visit, advertise, organize, campaign, or worry about the concern of voters in states that they cannot possibly win or lose. This means that voters in two-thirds of the states are effectively disenfranchised in presidential elections because candidates concentrate over two-thirds of their money and campaign visits to a small handful of battleground states. Washington citizens vote as eastern Washingtonians in a Congressional race, as Washingtonians for the Senate and citizens should vote as Americans for the President.

(Opposed) This bill would require our electors to vote according to the dictates of the voters in other states in this agreement, regardless of what the voters in Washington wanted. This bill is a run-around - if the goal is to change the electoral college and the effect of the college on political strategy, then Washington should talk about an amendment to the Constitution. If there is a change in how our state's electors are selected, the Legislature should consider having the electors vote according to the popular vote in each of the congressional districts, not how other states vote.

Persons Testifying: (In support) Jeff Gombosky, National Popular Vote.

(Opposed) Merton Cooper.

Persons Signed In To Testify But Not Testifying: None.