

SENATE BILL REPORT

SSB 5628

As Passed Senate, February 18, 2008

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: Senate Committee on Government Operations & Elections (originally sponsored by Senators Oemig, Fairley, Pridemore and Kohl-Welles).

Brief History:

Committee Activity: Government Operations & Elections: 2/15/07, 2/20/07 [DPS, DNP, w/oRec].

Passed Senate: 2/18/08, 30-18.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5628 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline and Pridemore.

Minority Report: Do not pass.

Signed by Senators Roach, Ranking Minority Member and Benton.

Minority Report: That it be referred without recommendation.

Signed by Senator Swecker.

Staff: Sharon Swanson (786-7447)

Background: Candidates for President and Vice-President of the United States are not elected by direct popular vote. The candidates are elected by the electoral college, whose delegates are chosen by the states. Each state has the same number of presidential electors as it has United States Representatives and Senators combined. In Washington, the Presidential candidate who receives the most votes state-wide during the popular vote wins all the electoral votes in the state.

Summary of Substitute Bill: An act is created to allow the awarding of Washington electoral votes to the presidential candidate who receives the most popular votes in the country as a whole, instead of to the candidate who receives the most popular votes in the state. The act would only go into effect when states cumulatively possessing a majority of the electoral votes in the country entered into the same agreement.

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.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect when states cumulatively possessing a majority of the electoral votes in the country have enacted the interstate agreement.

Staff Summary of Public Testimony on Original Bill: PRO: This is an elegantly simple idea. Now, candidates have no reason to campaign in the states that are not battleground states, and once they are elected they keep neglecting those states. For that reason, Florida is much better prepared for hurricanes than Louisiana. Voters stay home in non-battleground states because they are not excited to vote. In the last Presidential election, the candidates spent 99 percent of their campaign money in 16 battleground states. Under this bill, every vote for President carries equal weight with every other vote. We have equality in so many other ways, and in this profoundly important right-voting- citizens are not equal at all. We have a right to have our vote count as much as every other person's vote. If this had been the law in 2004, Al Gore would be President now. There are 13 states with four electoral votes or less: six are Democrat, and six are Republican. States have the right to award their electoral votes free from federal interference. Maine and Nebraska award their electoral votes based on the popular winner in each legislative district.

CON: Small states will lose representation under this bill. Montana has grave concerns. We should not be dependent on how other states vote. If anything, our electors should vote according to the popular vote in their districts, but not based on who won outside of Washington. There is no agreement nationally among the 50 Secretaries of State on this interstate compact, but at their recent meeting concerns were raised about its constitutionality. Delivering Washington's votes to a candidate who was not popularly elected in the state may not be permitted under the U.S. Constitution.

Persons Testifying: PRO: Senator Oemig, prime sponsor; Steve Zemke, Taxpayers for Washington's Future; Barry Fadem, National Popular Vote; Gil Carbone, Richard Johnson, Jr., citizens.

CON: Myrtle Cooper, citizen; Katie Blinn, Assistant Director of Elections, Washington Secretary of State.