

SENATE BILL REPORT

SB 5204

As of January 30, 2009

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: Senators McDermott, Oemig, Kohl-Welles, Jarrett, McAuliffe, Regala, Marr, Brown, Tom, Haugen, Kline, Shin and Pridemore.

Brief History:

Committee Activity: Government Operations & Elections: 1/29/09.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Staff: Edward Redmond (786-7471)

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. Article II, Section 1 of the United States Constitution yields to states the absolute and exclusive authority to determine the manner of awarding their electoral votes. 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 Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Substitute): The awarding of Washington State electoral votes will be to the presidential candidate who receives the most popular votes in the country as a whole. This act only goes into effect when states, which possess a majority of the electoral votes in the country, have entered into the same agreement.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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.

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: PRO: The National Popular Vote seeks to change the way we elect the president by moving towards a more direct national vote. Right now there is no guarantee that the candidate who receives the most votes for president will be elected. Under the current system for electing the president and the winner take all rules used by 48 states, presidential campaigns essentially ignore and disenfranchise two-thirds of the country. Once candidates know if they will lose or carry a state, there is no longer any motivation to campaign in that state. In reality, presidential campaigns only focus on five to six battle ground states. The national popular vote movement forces candidates to campaign across the United States and address local issues.

CON: The National Popular Vote should not be enacted as a matter of policy. Washington electors should not be forced to cast their votes based on how other states are voting. If states want to move to something that is more representative, then voting by congressional district would be more effective. America's election systems have operated smoothly for more than 200 years because the electoral college accomplishes its intended purpose. Our Founding Fathers created a stable, well-planned, and carefully designed system, and it works.

OTHER: The electoral college requires presidential candidates to build a broad nationwide coalition. The electoral college has made American politics more inclusive, moderate, stable, and nationally-unified than would be possible with a national popular vote system. The electoral college is a check against the instant will of the majority.

Persons Testifying: PRO: Larry Sokol, National Popular Vote.

CON: Katie Blinn, Office of the Secretary of State; Cindy Honcoop, Anne Culbertson, Eagle Forum.

OTHER: Diana Cieslak, Trent England, Evergreen Freedom Foundation.