

**SENATE BILL NO. 61**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTY-THIRD LEGISLATURE - FIRST SESSION

**BY SENATORS WIELECHOWSKI, Gray-Jackson**

**Introduced: 2/7/23**

**Referred: Judiciary, State Affairs**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to an interstate compact to elect the President and Vice-President of**  
2 **the United States by national popular vote; and relating to the selection of electors for**  
3 **candidates for President and Vice-President of the United States and to the duties of**  
4 **those electors."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 \* **Section 1.** AS 15.20.530 is amended to read:

7 **Sec. 15.20.530. Determination of tie votes. Except as provided in (b) of this**  
8 **section, if,** [IF] after a recount and appeal, two or more candidates tie in having the  
9 highest number of votes for the same office, the director shall notify the candidates  
10 who are tied. The director shall notify the candidates of a reasonably suitable time and  
11 place to determine the successful candidate by lot. After the determination has been  
12 made by lot, the director shall so certify.

13 \* **Sec. 2.** AS 15.20.530 is amended by adding a new subsection to read:

14 (b) The director may not determine the election of presidential electors by lot

1 when the provisions of art. III of the Agreement Among the States to Elect the  
2 President by National Popular Vote set out in AS 15.30.104 apply.

3 \* **Sec. 3.** AS 15.30.010 is amended to read:

4 **Sec. 15.30.010. Selection [PROVISION FOR SELECTION] of electors.**  
5 **Except as provided in (b) of this section, electors** [ELECTORS] of President and  
6 **Vice-President** [VICE PRESIDENT] of the United States are selected by election at  
7 the general election in presidential election years, in the manner and as determined by  
8 the ranked-choice method of tabulating votes described in AS 15.15.350 - 15.15.370.

9 \* **Sec. 4.** AS 15.30.010 is amended by adding new subsections to read:

10 (b) When the provisions of art. III of the Agreement Among the States to Elect  
11 the President by National Popular Vote set out in AS 15.30.104 apply to determine the  
12 election of presidential electors,

13 (1) the votes cast in this state for electors of President and Vice-  
14 President of the United States at the general election in presidential election years shall  
15 be tabulated by the ranked-choice method of tabulating votes described in  
16 AS 15.15.350 - 15.15.370;

17 (2) the final determination of the presidential vote count reported and  
18 certified to the member states as provided under clause 4 of art. III of the Agreement  
19 Among the States to Elect the President by National Popular Vote set out in  
20 AS 15.30.104 and the presidential vote count reported and certified in this state shall  
21 be the final round of votes received by each presidential slate that received votes in the  
22 final round of statewide ranked-choice method tabulation;

23 (3) the electors of President and Vice-President of the United States  
24 are selected as provided under AS 15.30.104.

25 (c) In this section, "presidential slate" has the meaning given in AS 15.30.104.

26 \* **Sec. 5.** AS 15.30.060 is amended to read:

27 **Sec. 15.30.060. Notification of electors. Except as provided in (b) of this**  
28 **section, when** [WHEN] the results of the election of presidential electors have been  
29 determined, the director shall send a certificate of election to each elector and shall  
30 notify the electors of the time and place of their meeting and of their duties as electors.

31 \* **Sec. 6.** AS 15.30.060 is amended by adding a new subsection to read:

1 (b) When the provisions of art. III of the Agreement Among the States to Elect  
 2 the President by National Popular Vote set out in AS 15.30.104 apply to determine the  
 3 election of presidential electors, this subsection applies and the provisions of (a) of  
 4 this section do not apply. If this subsection applies, notwithstanding AS 15.15.450,  
 5 mandating that the director provide a certificate of election to the candidate receiving  
 6 the largest number of votes, the director shall send a certificate of election to each  
 7 elector determined under AS 15.30.104 and shall notify the electors of the time and  
 8 place of their meeting and their duties as electors.

9 \* **Sec. 7.** AS 15.30.090 is amended to read:

10 **Sec. 15.30.090. Duties of electors. Except as provided in (b) of this section,**  
 11 **after** [AFTER] any vacancies have been filled, the electors shall proceed to cast their  
 12 votes for the candidates for the **offices** [OFFICE] of President and Vice-President of  
 13 the party that selected them as candidates for electors, or for the candidates for the  
 14 **offices** [OFFICE] of President and Vice-President under AS 15.30.026 if the electors  
 15 were named under AS 15.30.026, and shall perform the duties of electors as required  
 16 by the constitution and laws of the United States. The director shall provide  
 17 administrative services and the Department of Law shall provide legal services  
 18 necessary for the electors to perform their duties.

19 \* **Sec. 8.** AS 15.30.090 is amended by adding a new subsection to read:

20 (b) When the provisions of art. III of the Agreement Among the States to Elect  
 21 the President by National Popular Vote set out in AS 15.30.104 apply to determine the  
 22 election of presidential electors, this subsection applies and the provisions of (a) of  
 23 this section do not apply. If this subsection applies, after any vacancies have been  
 24 filled, the electors shall cast their votes for the candidates for the offices of President  
 25 and Vice-President of the party as provided in AS 15.30.104, and shall perform the  
 26 duties of electors as required by the constitution and laws of the United States. The  
 27 director shall provide administrative services and the Department of Law shall provide  
 28 legal services necessary for the electors to perform their duties.

29 \* **Sec. 9.** AS 15.30 is amended by adding new sections to read:

30 **Article 1A. Agreement Among the States to Elect the President by National Popular**  
 31 **Vote.**



1 official statement containing the number of popular votes in a state for each  
2 presidential slate made by the day established by federal law for making a state's final  
3 determination conclusive as to the counting of electoral votes by Congress.

4 In event of a tie for the national popular vote winner, the presidential elector  
5 certifying official of each member state shall certify the appointment of the elector  
6 slate nominated in association with the presidential slate receiving the largest number  
7 of popular votes within that official's own state.

8 If, for any reason, the number of presidential electors nominated in a member  
9 state in association with the national popular vote winner is less than or greater than  
10 that state's number of electoral votes, the presidential candidate on the presidential  
11 slate that has been designated as the national popular vote winner shall have the power  
12 to nominate the presidential electors for that state and that state's presidential elector  
13 certifying official shall certify the appointment of such nominees.

14 The chief election official of each member state shall immediately release to  
15 the public all vote counts or statements of votes as they are determined or obtained.

16 This article shall govern the appointment of presidential electors in each  
17 member state in any year in which this agreement is, on July 20, in effect in states  
18 cumulatively possessing a majority of the electoral votes.

#### 19 ARTICLE IV. OTHER PROVISIONS

20 This agreement shall take effect when states cumulatively possessing a  
21 majority of the electoral votes have enacted this agreement in substantially the same  
22 form and the enactments by such states have taken effect in each state.

23 Any member state may withdraw from this agreement, except that a  
24 withdrawal occurring six months or less before the end of a President's term shall not  
25 become effective until a President or Vice-President shall have been qualified to serve  
26 the next term.

27 The chief executive of each member state shall promptly notify the chief  
28 executive of all other states of when this agreement has been enacted and has taken  
29 effect in that official's state, when the state has withdrawn from this agreement, and  
30 when this agreement takes effect generally.

31 This agreement shall terminate if the electoral college is abolished.



1                   **Sec. 15.30.108. Supremacy.** If art. III of the Agreement Among the States to  
2                   Elect the President by National Popular Vote in AS 15.30.104 applies to determine the  
3                   election of presidential electors, the provisions of the agreement in AS 15.30.104 take  
4                   precedence over a conflicting state statute or regulation.