

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** SB61  
**Date:** Saturday, March 11, 2023 6:18:43 PM

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Honorable Senators:

I'm old enough to remember when *The Last Frontier* became America's 49th state. It was a big deal. Alaska is still a big deal, very much in a class by itself. Your state ratified the Constitution back in 1959, and every day since, *your unique voice and influence in presidential elections have been safeguarded by the Electoral College*. It secures your borders against vote spillover and election irregularities from anywhere else. Until 2006 states could take this for granted. But then some California *really deep pockets* began pushing something they call "National Popular Vote Interstate Compact." It's embodied in **SB61, now in the Judiciary Committee. I hope they will not advance the bill.** Permit me to explain.

I've lobbied against NPV, on my own nickel, for over a decade. These guys are smooth talking pros making boatloads of \$\$\$\$. Their spiel is well honed. *But to this day a national presidential vote has NO HOME in any major country.* National votes for Chief Executive happen in: *Angola, Bosnia & Herzegovina, Cameroon, Congo, Equatorial Guinea, The Gambia, Honduras, Iceland, Kiribati, Malawi, Mexico, Nicaragua, Palestine, Panama, Paraguay, Philippines, Rwanda, Singapore, South Korea, Taiwan, Tanzania and Venezuela.* [https://en.wikipedia.org/wiki/First-past-the-post\\_voting](https://en.wikipedia.org/wiki/First-past-the-post_voting)

Of this list, 11 countries have populations under 10M. The remaining are either monolithic, unstable, and/or dictatorships. NONE are regarded as America is by the rest of the free world. By any measure this is NOT who we are. A colleague observes: "*A national popular vote discounts the individual. This is where the weird math comes in; if you dilute the whole, and do not account for the small, then your results become skewed. This is how Third World dictators hold 'NATIONAL' elections and always win.*"

Bingo. NPV is a scheme to render the Electoral College, AND state borders, as mere props. How? If the Compact pulls in enough states to equal 270 electoral votes—the number required to name a President, those states commit to *hand over their own electors to the national winner...* REGARDLESS of what that means to their own voters. Forget the villages, towns and cities, and local leaders. Their vote, and voice, would be swept away.

Before going further, let me acknowledge that more than once the federal

government has stuck its nose pretty deep into Alaska's business. Probably this makes you skeptical of any erosion of state sovereignty. Just imagine if NPV rendered the STATE of Alaska defenseless in the presidential vote count.

Did you know: The Constitution requires ***state electors to meet in their own state and on the same day***, BY DESIGN. That's because the Founders *did not want the electors colluding with each other*. They wanted each state's votes to be cast as independently as possible. That's how clearly NPV runs contrary to the Constitutional model.

Since 2007 when the Compact passed in Maryland, **NPVIC has been defeated at least once in 35 different states, including Alaska. In 188 recorded legislative attempts, NPV bills have a win-loss record of 16-172.** Most lawmakers understand that the decisions of their state and its voters *must not be outsourced*.

A standard NPV claim is that under the Compact "every vote is of equal value in our process." The question is, ***equal to WHAT?*** In 2020 an Alaska citizen's vote for President was 1 in 359,530. Under NPVIC, it would have been 1 in 158 million! **So how exactly is it that NPVIC would make your constituents "more equal" in ANY way that matters?**

THE POLITICS: NPV backers have nabbed a lot of the 'low hanging fruit,' those monolithic (blue) states where one party controls everything. Meanwhile, states in *flyover country* consistently say NO to this scheme... *even though they're the people NPV claims the Electoral College leaves behind*. Frankly, these smooth talkers are salivating over what Alaska could do for THEM. You would be a plum victory and allow them to say that "NPV has *bi-partisan* support." From 2015-2019 NPV received exactly THREE GOP 'yes' votes. Lacking precedent, NPV backers continue to weave their utopian feel-good fairy tale. Please turn them away as unqualified to waste Alaskans' time.

Respectfully,

Roberta Schlechter, volunteer for KEEP OUR 50 STATES.

**From:** [REDACTED]  
**To:** [Sen. Matt Claman](#)  
**Subject:** National Popular Vote (Vote No)  
**Date:** Sunday, March 12, 2023 7:58:01 AM

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Senator Clayman,

I am shocked to learn SB-61 a NPVIC bill, is being considered to fundamentally change our Presidential election process.

Electing the President by a National Popular Vote is a decision not to be taken lightly. Our Founding Fathers were clear in their intent. The Constitution codifies the intent that the States choose the President. This republican principle ensures that each State has a defined voice that can't be taken away. It ensures that a candidate must impress upon the State that he or she will represent that State's interests in order to gain its electoral votes.

Changing our electoral system to a Popular Vote would in fact ensure that the voters of Alaska will never have a voice again. If the electoral votes of Alaska are determined by what voters Nationwide and in particular large urban centers desire, then candidates will no longer bother to address the needs of Alaska voters.

Even supporters of a National Popular Vote must understand that the National Popular Vote Compact is dangerous. Changing the way we elect the President should not be a decision made by a minority of States all with a similar political leaning. This is in fact exactly what the NPVC does. It should instead be considered via a Constitutional Amendment so that all Americans can weigh in on the issue and have their voice heard.

I ask you to vote NO on the NPV because it is an attack on the Constitution that will forever change our representative form of government in a way that will permanently diminish or even eliminate Alaska's voice in the Presidential election. Even if you support the concept of a National Popular vote I ask you to have the courage to vote NO on this bill and instead force a Constitutional amendment to change the way we elect our President.

Protect Alaska's sovereignty and protect our votes!

Sincerely,

Lanae Fisher

[Sent from Yahoo Mail on Android](#)

**THE STATE OF ALASKA**  
**SENATE JUDICIARY COMMITTEE**

*SB 61: An Act relating to an interstate compact to elect the President and  
Vice-President of the United States by national popular vote*

March 13, 2023

Submitted By: Tara Ross

Author of *Enlightened Democracy: The Case for the Electoral College* and  
*Why We Need the Electoral College*

**Overview**

I urge you to vote against SB 61. The National Popular Vote legislation that has been proposed will effectively eliminate the Electoral College, a system that serves Alaska—and all Americans. Worse, NPV's end-run around the formal constitutional amendment process will create its own, independent set of legal and constitutional problems. The Electoral College is one of the few remaining marks of sanity left in our presidential election system. It should be protected.

**Modern Benefits of the Electoral College**

- *The Benefits of Federalism.* Presidential candidates must build national coalitions of voters. Historically speaking, the candidate who builds the broadest coalition of support will win. The process discourages presidential candidates from focusing too exclusively on one region, state, or special interest group.
- *Moderation and Compromise.* As a matter of history, the Electoral College has encouraged Americans to work together, across state lines. A direct election system, by contrast, would result in multi-party presidential races, a fractured electorate, increasingly extremist third-party candidates, and constant recounts.
- *Stability and Certainty in Elections.* The Electoral College typically produces quick and undisputed outcomes. Any problems are isolated to one or a handful of states. Fraud is minimized because it is hard to predict where stolen votes will matter.

**Legal problems with NPV's compact**

- *Equal Protection.* NPV attempts to combine 51 different state (and D.C.) election processes into a single national outcome. This will create chaos, litigation, and confusion. It will also create claims that Alaska has violated the Equal Protection Clause of the United States Constitution.
- *Article V.* Alaska has great discretion in how it allocates its electors. It may not, however, violate another portion of the Constitution in the process. NPV's compact looks like an impermissible end run around Article V of the Constitution.
- *Other States.* NPV cannot force non-signatory states to cooperate with the NPV compact. Multiple states have already considered legislation that would allow them to withhold popular vote totals until after the meetings of the Electoral College.

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**Full Testimony**

I urge you to vote against SB 61. The National Popular Vote legislation that has been proposed will effectively eliminate the Electoral College, a system that serves Alaska—and all Americans. Such advice may feel like a non sequitur, given the divisiveness that Americans have experienced lately. Is the Electoral College an unfair, partisan institution? Does it favor one political party over another? Would a national popular vote resolve some of the problems that we face today? Emphatically, no. The Electoral College will always reward the party that does the best job of reaching out to a diverse cross section of Americans. It will penalize parties and candidates that takes voters for granted. These are healthy incentives in a large, diverse republic such as our own.

First, I will discuss the benefits of the Electoral College. Next, I will discuss the special legal and constitutional difficulties created by NPV's plan.

***The Benefits of the Electoral College***

The Constitution seeks to reconcile two seemingly irreconcilable goals: The Founders wanted the people to govern themselves, but they also wanted to protect minority interests. A simple democracy would not accomplish this objective: Bare or emotional majorities can too easily outvote and tyrannize minority groups—even very large, reasonable ones. An old analogy notes that a simple democracy is like two wolves and a sheep voting on what's for dinner.

The sheep doesn't feel good about being eaten just because it got a chance to vote!

The Founders sought to create something better than this type of simple democracy. They created a Constitution with many safeguards: We have separation of powers, presidential vetoes, a bicameral Congress, and supermajority requirements to do things like amend the Constitution. The Electoral College is just one of these safeguards, intended to protect our liberty from unreasonable rule.

The Electoral College continues to help our country in many ways: **It encourages coalition-building and motivates candidates to reach out to a wide variety of voters.** It penalizes those who rely upon isolated pockets of support in one region, one state, or among voters in one special interest group. It encourages moderation and compromise from political parties and their

candidates. Finally, the state-by-state election process isolates voting problems to one or a handful of states, making it much harder to steal elections.

If this is true, then what has been happening lately? We are experiencing a series of close, contested, and angry elections because both parties are overly focused on their own bases. No one seems very interested in reaching out to voters and building diverse coalitions, as the Electoral College requires.

**We've been here before.** The country has been divided and angry. We've had series of close presidential elections in which it seemed that coalition-building was a thing of the past. In the years after the Civil War, the Electoral College proved its ability to heal just this sort of division.

Consider the political landscape as it existed back then: Democrats were strong in the South, but they also didn't have enough electoral votes in those states to win a presidential election. Thus, they had to reach out to some non-southerners. In the meantime, Republicans were in the opposite situation: They were strong in the North and the Northwest. They had enough electoral votes to win without southern support, but just barely. It was safer to seek out some southern votes, too. In other words, both political parties were forced to reach a hand across the political aisle—pretty much whether they wanted to or not. Both parties had incentives to earn the support of new voters. Over time, the incentives inherent in the presidential election process helped to heal some of the divide between North and South. Such coalition-building and inclusiveness is healthy for our country.

The incentives today are the same. The first party to realize its mistakes and to once again focus on coalition-building will also begin winning presidential elections in landslides. In a country as large and diverse as our own, such incentives are healthy and necessary if we are to regain our footing and to thrive. Eliminating the Electoral College will simply undermine our ability to heal.

One last benefit of the Electoral College deserves a special mention in the wake of the election that we just witnessed: **The Electoral College encourages stability and certainty in our political system.** Events such as those that occurred in 2020 are rare.

The Electoral College typically produces quick and undisputed election outcomes for two reasons: First, the system (along with the winner-take-all rule) tends to magnify the margin of victory, giving the victor a certain and demonstrable election outcome. Such certainty can't be provided by a direct popular election. Popular votes are often close, and these close votes can result in constant litigation and recounts.

Second, the system controls the impact of fraud and error. Regardless of what you thought about the allegations of fraud during the last election, the Electoral College provided one indisputable benefit in the middle of those contests: **It isolated our problems to a handful of states.** The country was given a clear set of problems to resolve one way or another before moving on to a definitive election outcome. We did not have to fight over allegations of fraud in Texas (yes, there were some) or any of the states with wider popular vote margins. In a national popular vote system, we would have had no clear process for arriving at a final total.

## *Legal Problems Created by NPV*

The current presidential election process blends federalist and democratic principles. America holds 51 completely separate, purely democratic elections every presidential election year (each state, plus D.C.). Each state is responsible for its own election. Differences among states' laws are irrelevant because votes cast in one state do not affect the outcome in another state. In short: 51 elections are held; 51 sets of state election laws govern these elections; 51 outcomes are achieved. Everyone is treated fairly.

NPV would change this. America would still hold 51 state-level elections, governed by 51 sets of election laws. But NPV would attempt to derive only one outcome from these 51 processes. Suddenly, variances among states' laws—previously irrelevant—would matter a great deal. **Now these varying laws ensure unequal treatment of voters.**

Consider the issue of early voting. Voters in Alaska have their own laws for this process, but other states might have different provisions regarding when early voting starts, how long it lasts, or who may early vote and how they may early vote. If Alaska's voters are competing only against other Alaska voters in a contest to determine the identity of Alaska's electors, then they have no reason to care what the rules are in another state. Ballots cast in other states do not affect the identity of a Alaska elector. However, once NPV throws voters of all states into the same election pool, then many problems arise. **With NPV in place, the identity of an Alaska elector could be dictated by a vote cast in Mississippi or Oregon or any other state.** How can Alaskan voters be equal with those in Oregon if they have less time to vote? Or if it is harder to obtain an absentee ballot?

There are other differences among states' laws: States differ in whether they allow felons to vote. They differ in their requirements for ballot qualification. States have different criteria for what triggers recounts within their borders—and how to count a hanging chad once that recount begins. Absentee ballots may be more or less difficult to obtain in various states.

One well-respected constitutional lawyer, Prof. Vikram David Amar, has acknowledged the real dangers created by these issues. Amar's opinion is important: NPV is based upon an idea that he and two other professors proposed in 2001. Yet Amar notes that a “problem I see in the current National Popular Vote bill is that it does not guarantee a true national election with uniform voter qualification, voter mechanics, and vote-counting standards. Absent such uniformity, some states might have incentives to obstruct or manipulate vote counts.”

If NPV is adopted, **Alaska had better brace itself for the Equal Protection lawsuits that will follow.** The Supreme Court has held that a state may not by “arbitrary and disparate treatment, value one person's vote over that of another.” If Alaska adopts NPV, it is making a deliberate choice to place its voters in a situation that guarantees unequal treatment, each and every presidential election year. Such a decision flies in the face of the most basic rules of democracy.

Lawsuits claiming Equal Protection problems are just the tip of the iceberg.

States that have rejected NPV will ask the Supreme Court to rule upon the constitutionality of NPV's compact. **The Supreme Court has already struck down statutes that were said to upset the compromises struck and the delicate balances achieved during the Constitutional Convention.** Writing for the majority in *Clinton v. New York*, Justice Stevens emphasized the "great debates and compromises that produced the Constitution itself." He found that the Line Item Veto Act could not stand because it disrupted "the 'finely wrought' procedure that the Framers designed."

In the same way, NPV's compact upsets the delicate balances and great compromises achieved in the presidential election process. NPV pretends that it can implement a direct national election of the President, without a constitutional amendment, even though the delegates to the Constitutional Convention explicitly rejected that very method. The move is too clever by half, and the Supreme Court can be expected to see through the ruse.

Finally, states that choose not to participate in NPV's compact can be expected to work against its implementation in other ways. The Constitution gives each state responsibility for itself in presidential elections. Non-signatory states have many tools with which they can make their voices heard.

**States such as New Hampshire and North Dakota have already considered legislation that could complicate NPV's efforts to generate a reliable national popular vote total.** The legislation proposed in those states would withhold popular vote totals until after the meetings of the Electoral College. Other states have similar options available to them: They could release vote totals for the winner, but not the loser, in their states. Or they could grant each of their voters two or three ballots to cast for President, thus inflating the vote totals from their states. Some states might choose to revert to an older form of ballot in which presidential electors, not presidential candidates, are listed on a ballot. (A coherent vote total for national *candidates* is impossible to tabulate when the only ballots cast are for individual *electors*.)

Formally eliminating the Electoral College through a constitutional amendment would be unhealthy for the country. But NPV's attempt to skirt the constitutional amendment process would create added difficulties. These logistical and legal nightmares could haunt the country each and every presidential election year.

### ***Conclusion***

The Electoral College is an important safeguard in our constitutional system of checks and balances, and it is critical to the success of our nation's republican democracy. I urge you to protect the Electoral College by voting against the National Popular Vote legislation that has been proposed.