

SENATE BILL NO. 39

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY SENATORS FRENCH, Ellis

Introduced: 1/19/11

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

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

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

6 * **Section 1.** AS 15.30 is amended by adding new sections to read:

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

9 **Sec. 15.30.095. Agreement Among the States to Elect the President by**
10 **National Popular Vote.** The Agreement Among the States to Elect the President by
11 National Popular Vote contained in this section is enacted into law and entered into on
12 behalf of the State of Alaska with other states joining in it in a form substantially as set
13 out in this section.

14 **ARTICLE I. MEMBERSHIP**

1 Any state of the United States and the District of Columbia may become a
2 member of this agreement by enacting this agreement.

3 ARTICLE II. RIGHT OF THE PEOPLE IN MEMBER STATES TO VOTE FOR
4 PRESIDENT AND VICE-PRESIDENT

5 Each member state shall conduct a statewide popular election for President and
6 Vice-President of the United States.

7 ARTICLE III. MANNER OF APPOINTING PRESIDENTIAL ELECTORS IN MEMBER
8 STATES

9 Before the time set by law for the meeting and voting by the presidential
10 electors, the chief election official of each member state shall determine the number of
11 votes for each presidential slate in each state of the United States and in the District of
12 Columbia in which votes have been cast in a statewide popular election and shall add
13 those votes together to produce a "national popular vote total" for each presidential
14 slate.

15 The chief election official of each member state shall designate the presidential
16 slate with the largest national popular vote total as the "national popular vote winner."

17 The presidential elector certifying official of each member state shall certify
18 the appointment in that official's own state of the elector slate nominated in that state
19 in association with the national popular vote winner.

20 At least six days before the day fixed by law for the meeting and voting by the
21 presidential electors, each member state shall make a final determination of the
22 number of popular votes cast in the state for each presidential slate and shall
23 communicate an official statement of that determination within 24 hours to the chief
24 election official of each other member state.

25 The chief election official of each member state shall treat as conclusive an
26 official statement containing the number of popular votes in a state for each
27 presidential slate by the day established by federal law for making a state's final
28 determination conclusive as to the counting of electoral votes by Congress.

29 In event of a tie for the national popular vote winner, the presidential elector
30 certifying official of each member state shall certify the appointment of the elector
31 slate nominated in association with the presidential slate receiving the largest number

1 of popular votes within that official's own state.

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

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

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

13 ARTICLE IV. OTHER PROVISIONS

14 This agreement takes effect when states cumulatively possessing a majority of
15 the electoral votes have enacted this agreement in substantially the same form and the
16 enactments by those states have taken effect in each state.

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

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

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

26 If any provision of this agreement is held invalid, the remaining provisions
27 shall not be affected.

28 ARTICLE V. DEFINITIONS

29 (A) "Chief election official" means the state official or body
30 authorized to certify the total number of popular votes for each presidential
31 slate.

1 (B) "Chief executive" means the Governor of a State of the
2 United States or the Mayor of the District of Columbia.

3 (C) "Elector slate" means a slate of candidates who have been
4 nominated in a state for the position of presidential elector in association with a
5 presidential slate.

6 (D) "Presidential elector" means an elector for President and
7 Vice-President of the United States.

8 (E) "Presidential elector certifying official" means the state
9 official or body that is authorized to certify the appointment of the state's
10 presidential electors.

11 (F) "Presidential slate" means a slate of two persons, the first of
12 whom has been nominated as a candidate for President of the United States and
13 the second of whom has been nominated as a candidate for Vice-President of
14 the United States, or any legal successors to those persons, regardless of
15 whether both names appear on the ballot presented to the voters in a particular
16 state.

17 (G) "State" means a state of the United States and the District
18 of Columbia.

19 (H) "Statewide popular election" means a general election in
20 which votes are cast for presidential slates by individual voters and counted on
21 a statewide basis.

22 **Sec. 15.30.098. Implementation of agreement.** In AS 15.30.095, "chief
23 election officer" means the director of the division or other person appointed under
24 this title to serve as the chief election official of the state.

25 * **Sec. 2.** AS 15.30.060 is amended to read:

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

30 * **Sec. 3.** AS 15.30.060 is amended by adding a new subsection to read:

31 (b) Whenever the provisions of art. III of the Agreement Among the States to

1 Elect the President by National Popular Vote as set out in AS 15.30.095 relating to
 2 certification of the appointment of the elector slate nominated in that state in
 3 association with the national popular vote winner of a presidential election apply to
 4 determine the election of presidential electors, this subsection applies and the
 5 provisions of (a) of this section do not apply. If this subsection applies,
 6 notwithstanding AS 15.15.450, mandating that the director provide a certificate of
 7 election to the candidate receiving the largest number of votes, the director shall send
 8 a certificate of election to each elector determined under AS 15.30.095 and shall notify
 9 the electors of the time and place of their meeting and their duties as electors.

10 * **Sec. 4.** AS 15.30.090 is amended to read:

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

20 * **Sec. 5.** AS 15.30.090 is amended by adding a new subsection to read:

21 (b) Whenever the provisions of art. III of the Agreement Among the States to
 22 Elect the President by National Popular Vote as set out in AS 15.30.095 relating to
 23 certification of the appointment of the elector slate nominated in that state in
 24 association with the national popular vote winner of a presidential election apply and
 25 determine the election of presidential electors, this subsection applies and the
 26 provisions of (a) of this section do not apply. If this subsection applies, after any
 27 vacancies have been filled, the electors shall proceed to cast their votes for the
 28 candidates for the offices of President and Vice-President of the party as provided in
 29 AS 15.30.095, and shall perform the duties of electors as required by the constitution
 30 and laws of the United States. The director shall provide administrative services and
 31 the Department of Law shall provide legal services necessary for the electors to

1 perform their duties.