

**ALASKA STATE LEGISLATURE**  
**SENATE JUDICIARY STANDING COMMITTEE**

February 23, 2011

1:33 p.m.

**MEMBERS PRESENT**

Senator Hollis French, Chair  
Senator Bill Wielechowski, Vice Chair  
Senator Joe Paskvan  
Senator Lesil McGuire  
Senator John Coghill

**MEMBERS ABSENT**

**COMMITTEE CALENDAR**

SENATE BILL NO. 39

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

- HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 39

SHORT TITLE: U.S. PRESIDENTIAL ELECTION COMPACT

SPONSOR(s): SENATOR(s) FRENCH

01/19/11	(S)	PREFILE RELEASED 1/14/11
01/19/11	(S)	READ THE FIRST TIME - REFERRALS
01/19/11	(S)	STA, JUD, FIN
02/01/11	(S)	STA AT 9:00 AM BUTROVICH 205
02/01/11	(S)	Heard & Held
02/01/11	(S)	MINUTE(STA)
02/10/11	(S)	STA AT 9:00 AM BUTROVICH 205
02/10/11	(S)	Moved SB 39 Out of Committee
02/10/11	(S)	MINUTE(STA)
02/11/11	(S)	STA RPT 1DNP 3NR
02/11/11	(S)	DNP: GIESSEL
02/11/11	(S)	NR: WIELECHOWSKI, PASKVAN, MEYER
02/16/11	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)

02/16/11 (S) Heard & Held  
02/16/11 (S) MINUTE(JUD)  
02/23/11 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

**WITNESS REGISTER**

JUDY ANDREE, representing herself  
Juneau, AK

**POSITION STATEMENT:** Testified in support of SB 39.

COURTNEY O'BRIEN, Director  
Director, Public Safety and Elections Task Force  
American Legislative Exchange  
Washington, D.C.

**POSITION STATEMENT:** Testified in opposition to SB 39.

DEBBIE JOSLIN  
Eagle Forum Alaska  
Anchorage, AK

**POSITION STATEMENT:** Urged the committee to vote no on SB 39.

Dr. GEORGE BROWN, representing himself  
Douglas, AK

**POSITION STATEMENT:** Testified in support of SB 39.

CURTIS GANS, Director  
Center for Study of American Electorate

**POSITION STATEMENT:** Testified in opposition to SB 39

ROBERT HARDAWAY, Professor  
Sturm College of Law  
University of Denver  
Denver, CO

**POSITION STATEMENT:** Testified in opposition to SB 39.

DANIELLE CARLSON, representing herself

**POSITION STATEMENT:** Testified in support of SB 39.

TRENT ENGLAND, representing himself

**POSITION STATEMENT:** Testified that he has concerns about SB 39.

RANDY RUEDRICH, representing himself

**POSITION STATEMENT:** Testified that he views SB 39 as an attack on the constitution.

GRANT HUNTER, representing himself

**POSITION STATEMENT:** Testified in opposition to SB 39.

DERRICK KITTS, National Popular Vote

**POSITION STATEMENT:** Provided supporting information for SB 39.

TERA ROSS, representing herself

**POSITION STATEMENT:** Testified on SB 39 to oppose eliminating the Electoral College without a constitutional amendment.

LAURA BROD, representing herself

Former representative from Minnesota

**POSITION STATEMENT:** Provided supporting information for SB 39.

#### **ACTION NARRATIVE**

[1:33:21 PM](#)

**CHAIR HOLLIS FRENCH** called the Senate Judiciary Standing Committee meeting to order at 1:33 p.m. Senators Paskvan, Coghill, Wielechowski, McGuire and French were present at the call to order.

#### **SB 39-U.S. PRESIDENTIAL ELECTION COMPACT**

[1:33:42 PM](#)

**CHAIR FRENCH** announced that the business before the committee would be to take public testimony on SB 39, the U.S. Presidential Election Compact.

[1:34:29 PM](#)

**JUDY ANDREE**, representing herself, Juneau, AK, said she is speaking in support of SB 39. She related that in 1996 she very nearly missed voting in the presidential election. At 7:30 p.m. she realized she'd forgotten and she rushed to get to the polls before it closed. But before she voted she heard that Senator Robert Dole had conceded the election to President Bill Clinton. The Alaska polls were still open and she felt that her vote wouldn't count in an election that had already been decided. In subsequent elections she voted early in the day so that she would feel that her vote would count, but then in 2008 she was disheartened to realize that neither her vote nor any Alaskan's vote had mattered. At 7:00 p.m. on election night the announcers were referring to President-elect Barack Obama. Ironically, she said, Senator Dole stated in 1979 that switching to a direct election system would change the nature of campaigning. Candidates would then realize the importance of individual votes from both small and large states.

Under the current system the Electoral College funnels tens of thousands of votes down to a handful of electoral votes in a winner-take-all process. This basically means that the votes for the losing candidate are counted only at the state level even though the election is to elect a national leader.

Joining the National Popular Vote Compact would be a big change and that can be frightening, but we shouldn't fear change any time it allows each citizen to know that his or her vote really does count, she concluded.

[1:38:53 PM](#)

COURTNEY O'BRIEN, Director, Public Safety and Elections Task Force, American Legislative Exchange Council (ALEC), Washington, D.D., said ALEC is a non-partisan membership association of state legislators that is dedicated to promoting the Jeffersonian principles of free markets, limited government, and individual liberty. ALEC is opposed to a national popular vote system for several reasons. One is based on ALEC's belief that the founders created the Electoral College to ensure balance between large and small states and among different interest groups. The current system respects the founders' strong beliefs that individual states should have a vital role in electing the President of the United States. It ensures that an elected executive has support in different regions and among different groups and it protects minority interests.

SB 39 would have Alaska ratify an interstate compact to elect the president by national popular vote. This is an attempted end-run around the U.S. Constitution because the inventors know that it would be difficult to change the voting system by constitutional amendment. She pointed out that in the past Congress has rejected 1,000 amendments to alter the Electoral College.

MS. O'BRIEN stated that the ALEC membership of almost 2,000 state legislators has passed resolutions supporting the Electoral College and opposing the national popular vote. She added that copies of the resolutions were submitted to the committee.

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DEBBIE JOSLIN, Eagle Forum Alaska, Anchorage, AK, urged the committee to vote no on SB 39. She understands the struggles in Alaska with time zones and feeling unimportant, but under the current Electoral College system Alaska's three electors are pledged to vote for the winner of the Alaska popular vote. It's

important that this continue rather than having the Alaska electors vote for the winner in some more populous Lower 48 state, she said. Even though a candidate may have conceded on the eve of the election, no one really wins or loses the presidency until the Electoral College votes are cast. It's important to continue to uphold the Electoral College system where the Alaska electors are pledged to vote for the winner of the Alaska popular vote, she concluded.

[1:43:16 PM](#)

Dr. GEORGE BROWN, representing himself, Douglas, AK, said he is speaking in favor of SB 39 to improve the practice of democracy in Alaska and the nation. He related that he first voted in Alaska in the 1972 presidential election and was disappointed that the results were decided by the time he voted and that's been his experience in every national election since then. Thus he is strongly in favor of joining an interstate compact so that the election of the U.S. President and Vice-President will be by the national popular vote. He disputed the idea that the bill does away with the Electoral College; it fully abides by the constitutional requirement that each state decide how its national electorates are to vote. This rational proposal promotes the positive evolution of the complicated governance of democracy, he concluded.

[1:45:24 PM](#)

CURTIS GANS, Director, Center for Study of American Electorate (CSAE), stated that CSAE is a non-partisan non-profit organization that looks at voter participation issues, and he is speaking in opposition to SB 39. He said the first person who testified raised the critical issue because it is true that the presidential campaign takes place in about 12 states while the others are ignored. The question is whether that's a function of winner-take-all or of the Electoral College. He said he would argue that it's a function of winner-take-all because candidates don't go to states where they don't think they'll win.

He opined that direct elections would undermine the position of the first testifier because essentially it would be a national media campaign. There would be no reason to differentiate a state or region and you'd essentially hand the campaign to media consultants, he asserted. This wouldn't help Alaska. Demagogic television campaigning would increase and there would be no incentive for grassroots activity, coalition building, and no reason to take into account regional or state differences. Finally, a recount would mean recounting 130 million votes, which would make whatever happened in Florida in 2000 look like

a picnic. We'd be better off with the Electoral College, he concluded.

1:49:46 PM

ROBERT HARDAWAY, Professor, Sturm College of Law, University of Denver, Denver, CO, stated that he has written books and articles on the Electoral College, but he is representing himself. He said he wouldn't discuss the extent to which SB 39 would undermine federalism or whether a popular vote would be good or bad, but he would talk about the problems of recounts. This bill doesn't address a national standard for a recount and states would address the issue differently. Depending on their criterion, some states would have no recount while others would have a recount. This would be much more chaotic than in 2000 with the Florida recount.

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DANIELLE CARLSON, representing herself, said she was testifying in support of SB 39. First and foremost, she stated, this not an issue of partisanship; a vote for any candidate should count for something. The Electoral College has historically worked in favor of different parties, citing the sake of convenience. The Democratic presidential candidate took the popular vote in 2000, but the Electoral College elected the republican candidate. While President George W. Busch took the popular vote in the 2004 election, it was the 20 votes from the state of Ohio that balanced it in his favor, even though some statistics show that it might not have gone that way. She said her final point is that she's has been voting in Alaska since age 18 and she has yet to see a candidate come to the state to campaign.

1:55:14 PM

TRENT ENGLAND, Director, Constitutional Studies and the Save Our State Project, Evergreen Freedom Foundation in Washington State, said he has been studying the Electoral College for about a decade and he has concerns about SB 39. The national popular vote compact is an adhesion contract that hands over control to fix a variety of problems including recounts. It's a take-it-or-leave-it approach. He added that he's always surprised when the issue of who gets ignored is used to support the national popular vote concept because candidates' consultants always have and always will make the decisions about which voters to focus on and which interest groups to go after. Finally, he said, the ideology of the national popular vote is legitimate, but the rationale is the same as the rationale for abolishing the U.S. Senate, and that wouldn't be good for Alaska. Some people believe that it would make voters more mathematically equal, but

that doesn't mean that it's a good idea. He asserted that political stability, moderation, and having a system that has a requirement of some national geographic balance rather than taking the raw popular vote is much more important than the idea of voter equality that's based on maybe more glad-handling in states that are currently considered safe states. He urged the committee to consider all the potential unintentional consequences of the national popular vote.

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CHAIR FRENCH asked why he believes that the Electoral College guarantees broad geographic support.

MR. ENGLAND responded that the Electoral College System is what forced the Democratic Party to go national after the Civil War. They moderated their message in the South and reached outside their geographic base to nominate candidates and build party infrastructure. This actually weakened the party in the Deep South, but it produced moderation and incentivized parties to seek just over 50 percent plurality in as many states as possible, rather than 80 percent to 90 percent in a handful of states. The national popular vote system doesn't produce that sort of incentive, he said. In fact, it has the potential to create geographic divisions and radical politics.

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SENATOR COGHILL asked him to speak to the issue of battleground states versus battleground population areas because it seems that under the national popular vote the battleground would be in population bases that were split rather than states that were split.

MR. ENGLAND said over half the country's population lives in the 40 largest urban statistical areas and political consultants understandably would focus on those population centers in a presidential campaign. Obviously, state borders are ideologically neutral, but the swing states change dramatically over time. The good thing about the way it works under the Electoral College, he said, is that it drives the national politics to whatever state is in the middle in a particular election. This is compared to the national popular vote that creates a "may the best demographer win" situation. There's benefit to having arbitrary borders rather than borders drawn according to population density or political ideology, he stated.

[2:04:32 PM](#)

RANDY RUEDRICH, Chair, Alaska Republican Party, stated that he views SB 39 as an attack on the constitution and Alaska's sovereignty. The constitution is a compromise between large and small states and it created a representative republic. It did not create a democracy and it didn't establish a parliament. It created an Electoral College to select a U.S. President. The presidential electors represent their individual states and their voters. Alaska has three votes in the Electoral College and that is 300 percent of the state's representation in Congress. Allowing SB 39 to become the guiding force, Alaska's impact and selection of a president will be significantly reduced, he warned. In fact, Alaska electoral voters may be required to cast their votes for a candidate that lost the election in Alaska. Worse yet, it could change the election outcome in the Electoral College that was created by the constitution.

Today 66 percent of Alaskans have voted in the last two presidential elections. As proof that the presidential process motivates people to come vote, statistics show that only 52 percent of Alaskans voted in the last two governor elections, but switching to the more meaningless process prescribed by the compact could decrease turnout. Under the current process about 20 states attract 90 percent of the campaign money in the presidential race. The larger states that are clearly republican or democrat are ignored and the smaller states that are clearly republican or democrat are ignored. The operating concept for the current process is further limited by the funds under federally funded campaigns, which have been used by all presidential candidates, save one, since 1974. The national popular vote will destroy this process, he asserted. The battleground states will drop from the campaign radar and future campaigns will focus on the population-rich states. All small states will become invisible. As population shifts to major cities the national popular vote process will drive the campaigns to the population-rich coastal states. SB 39 will ultimately subvert the representative republic into a mega-city democracy. The interior of the nation will be stripped of political relevance and SB 39 will drive future campaigns to the likes of Boston, Houston, Miami, New York, Seattle, and possibly Washington D.C. He again claimed that the bill is an attempt to destroy the constitution and damage Alaska's sovereignty.

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SENATOR COGHILL asked if he believes that Alaska voters would receive more attention in presidential campaigns if it were to sign into the compact.

MR. RUEDRICH answered he doesn't believe the state would gain anything in terms of visibility because the focus would shift to the major cities. He added that in the 2000 election either Alaska's three votes or Wyoming's three votes made the material difference in the outcome, which proves that small states matter in the current process.

CHAIR FRENCH asked what was right or just about the outcome in the 2004 election when 60,000 votes switching sides in Ohio produced a George Bush presidency in the face of a three million vote deficit nationally.

MR. RUEDRICH expressed the view that it is a state-by-state process for winning or losing an election. He added that the constitution doesn't recognize the importance of a national popular vote, and that was well founded.

CHAIR FRENCH pointed out that the U.S. Constitution does speak on the subject, and it gives state legislatures the power to decide how to award their electors. He added that rather than an attack on the constitution, it's another step in trying to find out what it means, and every generation has to do that.

[2:11:25 PM](#)

GRANT HUNTER, representing himself, said people in other states have no place in determining how Alaska casts its votes in presidential elections. Since the Jacksonian revolution of the 1830s, these decisions have been made by the votes of people entitled to vote in the various states according to the electoral procedure set out by law in those states. The Legislature has no moral right to give away by interstate compact the votes of future Alaskan electorates in future Alaskan elections, particularly since this state has consistently voted Republican in presidential elections, he stated. He further stated that this is the moral equivalent of a lawyer or accountant embezzling funds that have been entrusted in his care. The Republican Party supports states rights, natural resource development, a strong defense, and the Second Amendment. Awarding electoral votes as proposed by SB 39 would result in Alaska voting for the Democratic Party in the Electoral College when Alaska voters had in fact voted for the Republican Party.

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SENATOR PASKVAN commented that it's interesting that the speaker relies upon the word "morals" in his statement.

SENATOR WIELECHOWSKI added that that is probably the most hateful statement he's heard in four years of listening to public testimony.

2:16:12 PM

DERRICK KITTS, National Popular Vote, testified in support of SB 39. He pointed out that the U.S. Constitution grants two specific points that are relevant to the bill. First, states have the right and authority to enter into compacts with other states. Second, all state legislatures are granted specific authority to pattern and cast their electoral votes in the manner determined to be in the best interest of the particular state.

MR. KITTS explained that the bill doesn't address a national recount because that is a state's rights issue. Alaska and the other 49 states each determine how to conduct their own recounts. Correlating the national popular vote to the debacle in Florida blurs the issue because what happened in Florida was a concentration of importance in one state that did determine that election. He noted that time zones have been mentioned and this was the issue that arose in Florida during the presidential election of 2000. Most political pundits didn't know that Florida has two zones. The majority of the state is in the Eastern Time Zone while the panhandle is in the Central Time Zone. When the national networks called the election for Al Gore, they didn't realize that the polling locations in the extremely conservative panhandle weren't closed. Once they figured that out, they recalled the election for George W. Bush. When they realized that the turnout wasn't nearly as great and strong as it would have been based on the "I might as well not vote because it's over" mentality, the national media again changed course and went undecided. That was the start of the 36-day post election drama.

MR. KITTS said the caller that determined that the effort to ensure that every vote is equal and counted was idiotic is the same person that defines a broad coalition of states as five competitive states. This is the same person that thinks that 35 states that don't get polled in presidential elections is a broad coalition. He said he would suggest that it is a broad coalition, but it's a broad coalition of states that are completely ignored. He then corrected the state Republican Party Chair's statement that 20 states get 90 percent of the campaign funds. It is actually 16 states that receive 99 percent of the campaign funds for presidential elections and five of those

states receive 75 percent of the funds. None of those states are west of the Mississippi.

MR. KITTS pointed out that in 1960 both John Kennedy and Richard Nixon visited Alaska as presidential candidates, and no presidential candidates have visited since then. President Nixon in 1971 created the issues of the Arctic and the Arctic National Wildlife Refuge (ANWR), and Alaska has been battling those since then. Ironically, both Barack Obama and John McCain were against drilling in ANWR yet neither visited Alaska. That highlights the problem, he said. Finally, he said, the Alaska Time zone increases the state's relevance for the national popular vote. Presidential candidates couldn't afford to ignore Alaska because of its time zone and votes it has.

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SENATOR COGHILL asked if the compact states would be held accountable with a compact administrator or some other legal means.

MR. KITTS explained that the national popular vote compact does not encroach on federal supremacy so an administrator is not required.

SENATOR COGHILL asked what the accountability is for states that enter into and then break this contract.

MR. KITTS said it would be the same as it is now. Each state appoints a slate of electors who take an oath to vote as the popular vote dictates. Once in awhile a rouge elector pops up, but 22 states have already passed legislation to criminalize that breach of good faith and Alaska could do that.

SENATOR COGHILL asked how much variation would be allowed under Article IV, which says that states must enact an agreement that is in "substantially the same form."

MR. KITTS explained that it doesn't say "exact" because a change in punctuation could lead to a lawsuit. Using the phrase "substantially the same form" allows variation in the terminology while keeping the effect intact.

SENATOR COGHILL asked for an explanation of the provision on page 3, lines 2-7. It states:

If, for any reason, the number of presidential electors nominated in a member state in association with the national popular vote winner is less than or

greater than that state's number of electoral votes, the presidential candidate on the presidential slate that has been designated as the national popular vote winner shall have the power to nominate the presidential electors for that state and that state's presidential elector certifying official shall certify the appointment of such nominees.

CHAIR FRENCH asked Ms. Ross to give her testimony while Mr. Kitts read the provision.

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TERA ROSS, representing herself, stated that SB 39 would effectively eliminate the Electoral College and that would do more harm than is generally appreciated. Doing so without a constitutional amendment would be particularly problematic. National popular vote proponents will claim that their proposal is best because "every vote should be equal," but it actually makes voters more unequal than they are perceived to be today, she said. In fact, the proposal may bring equal protection problems during presidential elections. She explained that right now the president is elected in a process that blends federalist and democratic principles. The U.S. holds 51 separate democratic elections each presidential election year. Local election laws impact the manner in which each election is held, but any differences among state election codes don't matter. The unique laws of a particular state impact only voters within that state.

The country holds 51 separate elections and achieves 51 different sets of results. Under the national popular vote there would still be 51 separate elections, but the attempt would be to derive a single result. She questioned how Alaskans could be equal to voters in other states when their election operates under a different set of laws than other voters in the same election pool.

State differences also include: whether or not felons can vote; how a candidate qualifies for the ballot; and what serves as a recount. Furthermore, this is a non-permanent solution since a constitutional amendment isn't proposed and it could result in flip-flopping as states sign on and then withdraw from the compact. She said she doesn't believe the Electoral College should be eliminated, but if that is the decision it should be achieved through the constitutional amendment process. She urged the committee to vote against SB 39.

MR. KITTS deferred to Laura Broad to answer Senator Coghill's earlier question.

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LAURA BROD, representing herself, said she is a former representative from Minnesota. She asked if the question relates to the "at least" language.

CHAIR FRENCH said Senator Coghill's question pertains to the provision on page 3, lines 2-7. It states:

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

MS. BROD said it's a fail-safe measure to ensure that every state has a full slate of electors. She added that the suggestion that a candidate would choose an elector from outside the state is ridiculous. A candidate that's working for votes in a state would do just as any other candidate does, which is to select a slate of electors that represents that state.

MS. BROD said she wanted to clarify for the record that the U.S. Constitution establishes strict overall national schedules for finalizing presidential election results. Under both the current system and the national popular vote system all counting, recounting, and judicial proceedings must reach final determination prior to the mid-December meeting of the Electoral College. The safe harbor provision in Title 3.5 of the U.S. Code establishes that a legal battle cannot be waged beyond the time that electors cast their ballots. The U.S. Supreme Court has made it clear that states are expected to make this final determination six days before the Electoral College meets, which proves false the notion that the winner wouldn't be known for months.

MS. BROD said the idea that recounts would be problematic under the national popular vote blurs the issue because states already run their own recounts and that wouldn't change. She added that it's important to understand that there are two avenues for recounts. One is the automatic recount, and 17 states already

have automatic recount laws. The other is by petition, and right now 42 states have opportunities for candidates to petition for a recount.

She disputed the suggestion that the proper way to change how presidential elections are done is through a constitutional amendment because that would revoke a state's right that is clearly set out in the constitution. This nation is a representative republic and the national popular vote retains that and doesn't touch the balance of powers that the founders envisioned, she stated. Rather than a quiet attack on Alaska sovereignty, the national popular vote actually utilizes Alaska sovereignty to Alaskans' best interest.

MS. BROD said the suggestion that big cities would decide the presidency ignores the reality of electoral demography. The largest 50 cities in the country have just 18 percent of the population. That means that the many people who don't live in population centers would have ample opportunity to ensure that their views were represented in a national popular vote.

The constitution explicitly authorizes sovereign states to enter into legally enforceable contractual obligations. That includes compacts. These interstate compacts are legally enforceable due to the impairments clause in Article I, Section 10, and they have the force and effect of statutory law.

MS. BROD informed the committee that she was a co-author of this legislation in Minnesota, and similar legislation is moving across the country in a non-partisan fashion. The bill is about Americans who are interested in preserving the Electoral College and the republic that the founders intended, and fixing the shortcomings that have evolved over time under the winner-take-all state statutes. Those state statutes have led to the concentration of effort that focuses on a few states at the expense of many. To ensure that everyone's voice is counted in every election in every state, broadening coalitions and involving all 50 states is the right direction.

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SENATOR PASKVAN asked if the outcome of any state's recount is relevant only if it would change the national popular winner; his understanding is that the compact wouldn't be triggered if the national popular winner wasn't known.

MS. BROD explained that the trigger occurs once states totaling 217 electoral votes enact the compact. She added that a recount

would matter in every state where a recount is needed and in every state where a candidate requests a recount. Alaska would never lose the identity of who Alaskans voted for because the state laws and the state recount laws govern what is sent forward as the certified total for Alaska.

CHAIR FRENCH asked if she agrees that there would still be a month interval between the first Tuesday in November and the time that the electors cast their ballots in the Electoral College.

MS. BROD agreed. The only thing that changes under the national popular vote is the pool of votes on which you determine which slate of electors you send to cast those votes, she said.

SENATOR COGHILL asked if the assertion is true that Alaska could end up casting electors for someone who did not win the popular vote in Alaska.

MS. BROD said that's true.

[2:45:57 PM](#)

SENATOR COGHILL asked if Alaska could potentially have to cast its electoral votes for someone who wasn't on the Alaska ballot.

MS. BROD replied there is nothing in the current system that guarantees that a candidate will be on the ballot in any particular state, but she believes that any serious presidential candidate would be on the ballot in all 50 states.

SENATOR COGHILL asked what the tensions might be if the compact has 270 electors, but other states equaling just under half of the total electors haven't joined.

MS. BROD pointed out that there are tensions under the current system, but she believes that more states than not will join the compact because they'll see the advantages of being part of that group. However, regardless of whether or not a state joins the compact, they retain their state's right to award their elector as they see fit.

SENATOR COGHILL clarified that he was referring to legal tension.

SENATOR PASKVAN asked how she envisions that this might change TV reporting on election night.

MS. BROD replied it's exciting that under the national popular vote TV reporters would actually have to wait and pay attention to what was happening in all 50 states as opposed to just the battleground states. They couldn't call a winner until after the people in Alaska and the West Coast states had voted. Right now the TV looks at the election of the president taking into account only the battleground states.

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SENATOR WIELECHOWSKI commented that this is a fascinating study on state's rights versus individual rights.

CHAIR FRENCH closed public testimony and announced he would hold SB 39 in committee.

[2:53:21 PM](#)

There being no further business to come before the committee, Chair French adjourned the meeting at 2:53 p.m.