

HOUSE BILL NO. 348

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES KREISS-TOMKINS, Gara

Introduced: 2/24/16

Referred: State Affairs, Judiciary

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 15.30.060 is amended to read:

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

11 * **Sec. 2.** AS 15.30.060 is amended by adding a new subsection to read:

12 (b) Whenever the provisions of art. III of the Agreement Among the States to
13 Elect the President by National Popular Vote as set out in AS 15.30.104 relating to
14 certification of the appointment of the elector slate nominated in that state in

1 association with the national popular vote winner of a presidential election apply to
2 determine the election of presidential electors, this subsection applies and the
3 provisions of (a) of this section do not apply. If this subsection applies,
4 notwithstanding AS 15.15.450, mandating that the director provide a certificate of
5 election to the candidate receiving the largest number of votes, the director shall send
6 a certificate of election to each elector determined under AS 15.30.104 and shall notify
7 the electors of the time and place of their meeting and their duties as electors.

8 * **Sec. 3.** AS 15.30.090 is amended to read:

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

18 * **Sec. 4.** AS 15.30.090 is amended by adding a new subsection to read:

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

31 * **Sec. 5.** AS 15.30 is amended by adding new sections to read:

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

3 **Sec. 15.30.104. Agreement Among the States to Elect the President by**
 4 **National Popular Vote.** The Agreement Among the States to Elect the President by
 5 National Popular Vote contained in this section is enacted into law and entered into on
 6 behalf of the State of Alaska with other states joining in it in a form substantially as set
 7 out in this section.

8 ARTICLE I. MEMBERSHIP

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

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

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

15 ARTICLE III. MANNER OF APPOINTING PRESIDENTIAL ELECTORS IN
 16 MEMBER STATES

17 Before the time set by law for the meeting and voting by the presidential
 18 electors, the chief election official of each member state shall determine the number of
 19 votes for each presidential slate in each state of the United States and in the District of
 20 Columbia in which votes have been cast in a statewide popular election and shall add
 21 those votes together to produce a "national popular vote total" for each presidential
 22 slate.

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

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

28 At least six days before the day fixed by law for the meeting and voting by the
 29 presidential electors, each member state shall make a final determination of the
 30 number of popular votes cast in the state for each presidential slate and shall
 31 communicate an official statement of that determination within 24 hours to the chief

1 election official of each other member state.

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

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

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

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

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

21 ARTICLE IV. OTHER PROVISIONS

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

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

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

1 when this agreement takes effect generally.

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

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

5 ARTICLE V. DEFINITIONS

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

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

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

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

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

19 (F) "Presidential slate" means a slate of two persons, the first of
20 whom has been nominated as a candidate for President of the United States and
21 the second of whom has been nominated as a candidate for Vice-President of
22 the United States, or any legal successors to those persons, regardless of
23 whether both names appear on the ballot presented to the voters in a particular
24 state.

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

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

30 **Sec. 15.30.106. Implementation of agreement.** In AS 15.30.104, "chief
31 election official" means the director of the division or other person appointed under

1 this title to serve as the chief election official of the state.