

**ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE**

March 16, 2017

4:32 p.m.

MEMBERS PRESENT

Representative Jonathan Kreiss-Tomkins, Chair
Representative Gabrielle LeDoux, Vice Chair
Representative Chris Tuck
Representative Adam Wool
Representative Chris Birch
Representative DeLena Johnson

MEMBERS ABSENT

Representative Gary Knopp
Representative Andy Josephson (alternate)
Representative Chuck Kopp (alternate)

COMMITTEE CALENDAR

HOUSE BILL NO. 175

"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 & HELD

HOUSE BILL NO. 1

"An Act relating to absentee voting, voting, and voter registration; relating to early voting locations at which persons may vote absentee ballots; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 163

"An Act authorizing the Department of Public Safety to enter into agreements with nonprofit regional corporations and federal, tribal, and local government agencies to provide law enforcement services; authorizing the Department of Public Safety to collect fees for certain law enforcement services; and providing for an effective date."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: HB 175

SHORT TITLE: US PRESIDENT ELECT. COMPACT: POPULAR VOTE

SPONSOR(S): REPRESENTATIVE(S) FANSLER

03/13/17 (H) READ THE FIRST TIME - REFERRALS
03/13/17 (H) STA, JUD
03/16/17 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 1

SHORT TITLE: ELECTION REGISTRATION AND VOTING

SPONSOR(S): REPRESENTATIVE(S) TUCK

01/18/17 (H) PREFILE RELEASED 1/9/17
01/18/17 (H) READ THE FIRST TIME - REFERRALS
01/18/17 (H) STA, JUD
02/23/17 (H) STA AT 3:00 PM GRUENBERG 120
02/23/17 (H) Heard & Held
02/23/17 (H) MINUTE(STA)
02/28/17 (H) STA AT 3:00 PM GRUENBERG 120
02/28/17 (H) Heard & Held
02/28/17 (H) MINUTE(STA)
03/07/17 (H) STA AT 3:00 PM GRUENBERG 120
03/07/17 (H) Heard & Held
03/07/17 (H) MINUTE(STA)
03/09/17 (H) STA AT 3:00 PM GRUENBERG 120
03/09/17 (H) Heard & Held
03/09/17 (H) MINUTE(STA)
03/14/17 (H) STA AT 5:30 PM GRUENBERG 120
03/14/17 (H) -- MEETING CANCELED --
03/16/17 (H) STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

JILL YORDY, Staff
Representative Zach Fansler
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 175 on behalf of
Representative Fansler, prime sponsor.

BARRY FADEM, President
National Popular Vote

Los Altos, California

POSITION STATEMENT: Testified in support of HB 175.

ACTION NARRATIVE

[4:31:55 PM](#)

CHAIR JONATHAN KREISS-TOMKINS called the House State Affairs Standing Committee meeting to order at 4:32 p.m. Representatives LeDoux, Tuck, Wool, Birch, Johnson, and Kreiss-Tomkins were present at the call to order.

HB 175-US PRESIDENT ELECT. COMPACT: POPULAR VOTE

[4:33:09 PM](#)

CHAIR KREISS-TOMKINS announced that the first order of business would be HOUSE BILL NO. 175, "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."

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JILL YORDY, Staff, Representative Zach Fansler, Alaska State Legislature, presented HB 175 on behalf of Representative Fansler, prime sponsor. She referred to HB 175 as the U.S. Presidential Election Compact, which is commonly known as the National Popular Vote bill. She asserted that HB 175 "gets to the core" of what a vote means: voting is a right and a responsibility of each citizen; it is how citizens most directly make their voices heard in the decision-making processes of the country. She maintained that voting is a sacred right, for which many men and women have died, and many have struggled to gain that right.

MS. YORDY offered that there needs to be a reciprocation from the [election] system to voters - a trust that every vote has equal weight and consideration in electing the country's highest official. She opined that the current system favors swing states, in which there is nearly an equal internal division of voter preference and a winner-take-all method of awarding electoral votes. She said that Alaska is not a swing state, and under the current system, its votes are consistently undervalued. She maintained that the proposed legislation is being

introduced to start a conversation here in Alaska about ensuring that every vote is equal.

MS. YORDY stated that HB 175 would ratify a compact intended to grant the presidency to the candidate who receives the most votes nationwide by allocating Alaska's electoral votes to that candidate. The compact would only take effect when states representing a majority of the nation's electoral votes - 270 - have individually ratified the compact. Currently 10 states and the District of Columbia have ratified this compact, representing a combined total of 165 electoral votes. An additional 15 states have passed the National Popular Vote bill in at least one legislative body.

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BARRY FADEM, President, National Popular Vote, testified that he believes there are specific benefits to Alaska of the National Popular Vote interstate compact. He stated that the Founding Fathers, in Article Two, Section I of the U.S. Constitution, gave the people of Alaska the exclusive right to decide how the electoral votes of Alaska should be awarded. He said that the question for Alaskans to answer is "What system of awarding electoral votes is in the best interest of Alaskans and Alaska voters?" He expressed his belief that Alaska voters would be much better off under National Popular Vote.

MR. FADEM cited four specific positive benefits to Alaska that he believes would occur under National Popular Vote. The first benefit would be that Alaska's votes for the U.S. presidential candidate would count. He stated that a vote in Beaver, Alaska, a village of 60 residents located above the Arctic Circle, would count just as much as a vote in Miami, Florida, or Canton, Ohio. He attested that a resident of Beaver would know, on the morning after the election, that his/her vote was included in the vote totals. He opined that for the first time an Alaska voter would understand that his/her vote for the U.S. President really did count. He mentioned that a side benefit would be that Alaskans would vote before the television stations on the East Coast declared the winner. He attested that under National Popular Vote, the winner of the election would not be declared until all the votes were counted in all 50 states.

MR. FADEM stated that the second significant benefit of National Popular Vote to Alaska voters would be that the candidates would campaign in all 50 states. He said that in the 2016 election, 94 percent of all election events occurred in 12 states. He

added that 38 states, including Alaska, did not participate in the presidential election. He maintained that under National Popular Vote there would be campaign activities in all 50 states. He said that since all states have television and radio, every voter in every state would have the opportunity to hear the presidential candidates talk about issues. He added that more importantly, in the 2016 election, neither candidate of either party mentioned the word "environment." He opined that if a presidential candidate is campaigning in Pennsylvania, Wisconsin, Michigan, and the Rust Belt, he/she does not talk about the environment; if the candidate is not campaigning in states like Alaska, California, Idaho, Wyoming, and other states that care about the environment, that creates a situation in which presidential candidates don't come to Alaska and don't talk about issues relevant to Alaska voters. He maintained that under National Popular Vote, Alaskans would be exposed to campaign issues and learn about what the candidates were offering.

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MR. FADEM stated that both major national parties "pump" millions of dollars into the 12 "battleground" states to build infrastructure and for grass-roots activities. He said that the third positive effect of National Popular Vote would be a 50-state campaign, in which the national parties would re-distribute that money to all 50 states; there would be a tremendous increase in grass-roots activities in all 50 states. He maintained that the presidential election is the one with the most "sizzle" - the one that gets everyone involved. He asserted that the infrastructure built for that campaign would last four years.

MR. FADEM cited, for the fourth positive effect, that in 2012, \$2.1 million were raised by both major political parties in Alaska. He expressed his belief that every dime of that money was exported to the battleground states. He asked, "Why would you spend money raised in Alaska to inform Alaskan voters, when it's already predetermined how Alaskans are going to vote?" He opined that for these four reasons, National Popular Vote would be advantageous for Alaskans.

MR. FADEM mentioned one other reason that National Popular Vote would be advantageous to Alaska outside of the campaign itself. He asserted that data shows that "battleground states do better with the President of the United States than non-battleground states." Battleground states receive seven percent more

presidentially-controlled grants; twice as many disaster declarations; and numerous other favorable actions from the President. He added that Alaska competes with other states for presidential attention on issues and projects that are important to residents. He said that if every state was a battleground state, states would not get preference simply because the President of the United States needs their vote in the next election.

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MR. FADEM relayed to the committee the issues most commonly cited as concerns regarding National Popular Vote. He said that the issue he hears most often is that the current system benefits small states, and the Founding Fathers set up the Electoral College to benefit small states. He said there are 13 small states with four electoral votes or less; six are "red"; six are "blue"; and the only small battleground state is New Hampshire. He mentioned that in 2016, New Hampshire received 21 presidential campaign visits; the other 12 states received none. He added that this has been the practice for the last 40 years, and it is not going to change. He asserted that under the current system, small states are among the most "punished" group of states in the country. He pointed out that three of these small states - Hawaii, Rhode Island, and Vermont - have adopted the National Popular Vote compact, along with the District of Columbia. He asserted that the idea that the current system is helpful to small states is absolutely factually wrong.

MR. FADEM mentioned that the second issue that has been brought up regarding National Popular Vote is the possibility that all the campaigning would be confined to large cities, such as Los Angeles and New York. He said that evidence shows that not to be true. He offered that the 50 largest cities in the country comprise only 15 percent of the population; 15 percent of the country is rural; and 70 percent of the population is in suburban areas. He maintained that big cities don't control elections currently. He said that as an example, in 2012 there were 73 visits to Ohio by the presidential candidates. He maintained that currently campaigns do not just visit the cities in a state but visit everywhere. He added that the cost of television and radio advertising drops dramatically from urban to rural areas. He cited that media cost per vote in New York City is 5.2 cents; in Indianapolis it is 4.0 cents; and in Fort Smith, Arkansas it is 3.0 cents.

MR. FADEM stated that another issue commonly cited as a possible consequence of National Popular Vote is that of a lengthy election vote recount leading to months of uncertainty. He maintained that would not occur because there is a federal law that requires every state to submit a certificate of ascertainment by "safe harbor" day, which is six days before the Electoral College meets in December, and all states must provide a statement of the count by that day. He attested that it was that rule which allowed the Supreme Court to bar Florida from performing additional recounts in the 2000 election.

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REPRESENTATIVE JOHNSON asked how HB 175 would affect Alaska's congressional representation in Congress.

MR. FADEM answered that the proposed legislation would not affect congressional representation but only the vote for President. He added that he is often asked, "Why don't you do this the right way?" He explained that "the right way" is defined by many as a federal constitutional amendment to abolish the Electoral College. He maintained that to achieve National Popular Vote, it is not necessary to amend the Constitution. He asserted that the proposed legislation represents a state-based solution for state legislatures to respect the will of the people for National Popular Vote, and the Founding Fathers gave the states the tools and the exclusive right to do that.

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REPRESENTATIVE BIRCH stated that he likes the Electoral College: it is good for Alaska; all states are on equal footing with two senators; and it offers finality in elections. He opined that the level of election activity would not change. He expressed his view that the "winner take all" approach demonstrates "we're all in." He questioned how the proposed legislation would be constructive and helpful to Alaska.

MR. FADEM asserted that the proposed legislation affects only one's representation in the presidential election. He questioned the conclusion that Alaska has been treated well in the Electoral College, since the Alaska voter has never been a player in the presidential election. He maintained that under National Popular Vote, every vote in every state would count, and the political parties would have a greater interest in the over 520,000 registered voters in Alaska. He said that under the current system, the political parties have no interest in

the Alaskan vote, since the state's electoral votes are already decided. He added that Alaska has zero influence on the presidential election, and that is what National Popular Vote would change.

REPRESENTATIVE BIRCH asked how the outcome of the last presidential election would have been influenced if National Popular Vote was in place rather than the current system.

MR. FADEM replied that he has great respect for President Donald Trump's comment that if the National Popular Vote system had been in place, he would have campaigned differently. He added that President Trump did not campaign in his home state of New York. Mr. Fadem conceded that if the National Popular Vote system had been in place, President Trump might have received more votes on a national popular basis. He stated that no one could have anticipated who would have won under a National Popular Vote, because the campaign was not conducted for that type of election. He emphasized that he respects that President Trump won the presidency under the rules in place at the time, and he is the absolute justified winner in the election. He offered that all Americans and even President Trump himself would probably like to know if President Trump could win in 2020 under the National Popular Vote system with a 50 state campaign.

REPRESENTATIVE BIRCH asked what the result of this last election would have been if there had been a National Popular Vote.

MR. FADEM responded that if National Popular Vote had been in place for the last election, the electoral votes of the states that joined the compact would have gone to the winner of the national popular vote, who was Hillary Clinton. He reiterated that was not the system that was in place, and there wasn't a 50 state campaign. He said that both candidates only campaigned in 12 states, so it is unknown what would have happened if they had campaigned in all 50 states with the winner being decided by popular vote.

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REPRESENTATIVE LEDOUX asked if there is a deadline for states to adopt the compact to preserve the participation of those states that have already adopted it.

MR. FADEM replied that there is no time limit. For the states that have passed National Popular Vote legislation, it is now law, but the law stipulates that it does not go into effect

until the compact goes into effect; therefore, the law has no "shelf life."

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REPRESENTATIVE WOOL suggested that if he were a presidential candidate under National Popular Vote, he would go to large population centers to reach large groups of people. He asked if the intent of the Electoral College was to give rural places as much influence as the large urban power centers.

MR. FADEM offered that when the Electoral College was established, the country was very different; the country was rural, and only ten percent of Americans lived in cities. He said that the State of Massachusetts has changed how it rewards its electoral votes 11 times in its history as a state, ending up with National Popular Vote. He opined that the brilliance of the founding fathers was in giving the state legislatures the right to make the decision. He said that state legislatures change as times, feelings, and needs change. He pointed out that the real presidential campaigns are conducted through the media, and there are television and radio advertisements everywhere. He reiterated that under National Popular Vote, a vote in Beaver, Alaska, would be equal to a vote cast in Miami, Florida; no state or area would be "written off"; campaigns would be conducted in urban, suburban, and rural areas.

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REPRESENTATIVE WOOL asked for confirmation that the current Electoral College system allows the state legislatures to determine independently the system they will be under and Mr. Fadem is not advocating for abolishing the Electoral College. He added that he is glad Alaska is not inundated with television advertisements.

MR. FADEM said that the Electoral College is currently a rubber stamp for 50 individual state votes, and under National Popular Vote, the Electoral College would be a rubber stamp for the national popular vote. He maintained that a number of Republican legislators have supported National Popular Vote in their states. He said that in Arizona, two-thirds of the Republicans in the Arizona House of Representatives and two-thirds of the Democrats in the House voted for National Popular Vote. He said that a number of those Republican legislators confirmed that they would never vote to abolish the Electoral College for the reason Representative Wool cited: a state

legislature would not want to give up a power granted to it by the founding fathers. He maintained that the right to determine the system by which it awards Electoral College votes and the right to enter interstate compacts are two of the explicit rights given states. He offered that if there are unintended consequences under the National Popular Vote system, then legislatures can choose to withdraw from the compact. If the Electoral College was abolished and the consequences proved unpopular, it would take another constitutional amendment to change it. He mentioned that the last amendment to the constitution that was even close to being ratified was the Equal Rights Amendment (ERA) initiative in the 1970s.

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CHAIR KREISS-TOMKINS asked Mr. Fadem to describe in more detail how the campaign visits to Ohio were distributed across the state.

MR. FADEM stated that in the 2004 presidential campaign, if John Kerry had received 50,000 more votes in Ohio, he would have won Ohio and thus, the presidency. He maintained that Mr. Kerry only campaigned in the large cities, whereas President George W. Bush campaigned in every part of the state. He attested that the public knows how candidates would campaign in a 50 state campaign, because it knows what happens currently in the 12 battleground states. He maintained that candidates do not campaign just in the large cities, because large cities do not control a state's election.

[5:03:13 PM](#)

REPRESENTATIVE JOHNSON asked why, if every vote is equal, a presidential candidate would visit Beaver, Alaska, as opposed to a large urban center.

MR. FADEM responded that in terms of a presidential campaign, it is not the visit but the media campaign that allows Alaskans to hear the candidates talk about issues. He maintained that the proposed legislation is important for the Alaska voter to know that his/her vote counts. He said that currently it doesn't count. He offered that under National Popular Vote, Alaska voters would see that their votes counted and meant something.

REPRESENTATIVE JOHNSON expressed that she felt that her vote counted in the last election. She mentioned that the last

President to have visited Palmer was President John F. Kennedy, who visited before he was President.

CHAIR KREISS-TOMKINS suggested that under National Popular Vote, presidential candidates would offer their stance on issues such as the King Cove Road or the Arctic National Wildlife Refuge (ANWR).

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REPRESENTATIVE LEDOUX said she is convinced that if she owned a newspaper or television station, National Popular Vote would be advantageous. She asked why a media campaign in Alaska would be advantageous, since issues are not really discussed in presidential campaign television advertisements.

MR. FADEM asserted that U.S. voters do want to hear the advertisements and do want to hear about the issues. He maintained that the voters with whom his organization has communicated and those supporting National Popular Vote care passionately about the country and about the presidential election. They feel that they are being punished because of where they live; that geography has determined whether their vote counts. He mentioned that National Popular Vote was one of the first goals on the League of Women Voters (LWV) original charter in 1920.

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MS. YORDY pointed out that there are many more resources utilized in a presidential campaign than just radio and television, which is especially important in Alaska. She maintained that campaign volunteers going door-to-door is how the presidential campaigns get feedback directly from Alaska voters about what matters in Alaska. She maintained that it is when every vote has the same weight on a national scale that the campaign workers are actually interested in what the voters are saying.

[5:09:35 PM](#)

REPRESENTATIVE TUCK offered that under National Popular Vote, the presidential candidate would be visiting Fairbanks or Anchorage rather than Beaver. He stated that under the current system, Alaska's issues get no attention from the candidates. He offered that even with President George W. Bush, a Republican-led U.S. Senate, and a Republican-led U.S. House of

Representatives, ANWR still received no attention. He maintained that the proposed legislation is not just about the vote, but about the overall attention to Alaska's concerns and having its issues addressed. He suggested that the proposed system would create a shift in how campaigns are run.

[5:11:26 PM](#)

REPRESENTATIVE BIRCH stated that his concern is that Alaska's tiny population of 750,000 would get "lost in the noise," and the campaigns would focus on New York and California. He said that he was happy with the election's outcome, and he is concerned that National Popular Vote would diminish Alaska's ability to have an impact on a presidential election.

[5:13:45 PM](#)

REPRESENTATIVE WOOL asked how Alaska and any other states may be affected if they don't join the compact but there are enough other states in the compact to reach the 270-electoral vote threshold.

MR. FADEM responded that states not joining the compact would proceed as usual, and the block of 270 votes would be cast for the candidate receiving the popular vote. He/she would receive any additional votes from any other states that voted for him/her. He emphasized that the block of 270 votes guarantees that the candidate receiving it becomes President.

REPRESENTATIVE WOOL suggested that since the 270 votes would reflect the popular vote, the votes of a state not joining the compact would only count in the sense that it contributes to the popular vote.

MR. FADEM agreed and said that the popular votes are added to the 50 state total, and for a state not in the compact, the electoral vote goes to the candidate winning the most votes in that state.

REPRESENTATIVE TUCK speculated that because of what Mr. Fadem just stated, more states will want to be in the compact as the number of votes represented in the compact approaches 270.

[HB 175 was held over.]

HB 1-ELECTION REGISTRATION AND VOTING

5:15:28 PM

CHAIR KREISS-TOMKINS announced that the final order of business would be HOUSE BILL NO. 1, "An Act relating to absentee voting, voting, and voter registration; relating to early voting locations at which persons may vote absentee ballots; and providing for an effective date."

5:15:35 PM

REPRESENTATIVE LEDOUX moved to adopt the proposed committee substitute (CS) for HB 1, Version 30-LS0070\0, Bullard, 3/14/17, as a work draft. There being no objection, Version 0 was before the committee as a work draft.

[HB 1 was held over.]

5:16:06 PM

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 5:16 p.m.