

**ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE**

March 13, 2023

1:31 p.m.

MEMBERS PRESENT

Senator Matt Claman, Chair
Senator Jesse Kiehl, Vice Chair
Senator James Kaufman
Senator Löki Tobin

MEMBERS ABSENT

Senator Cathy Giessel

COMMITTEE CALENDAR

SENATE BILL NO. 61

"An Act relating to an interstate compact to elect the President and Vice-President of the United States by national popular vote; and relating to the selection of electors for candidates for President and Vice-President of the United States and to the duties of those electors."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 61

SHORT TITLE: US PRESIDENT ELECT. POPULAR VOTE COMPACT

SPONSOR(S): SENATOR(S) WIELECHOWSKI

02/07/23	(S)	READ THE FIRST TIME - REFERRALS
02/07/23	(S)	JUD, STA
03/13/23	(S)	JUD AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

Senator Bill Wielechowski, District K
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 61.

David Dunsmore, Staff
Senator Bill Wielechowski

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the sectional analysis for SB 61.

DR. JOHN KOZA, Chairman
National Popular Vote
Author, Every Vote Equal
Los Altos, California

POSITION STATEMENT: Provided invited testimony in support of SB 61.

KARLA HART, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 61.

SANTA CLAUS, representing self
North Pole, Alaska

POSITION STATEMENT: Testified in opposition to SB 61.

JOHN CRAWFORD, representing self
Grant, Michigan

POSITION STATEMENT: Testified in opposition to SB 61.

TRENT ENGLAND, Executive Director
Save Our States
Oklahoma City

POSITION STATEMENT: Testified in opposition to SB 61.

TARA ROSS, representing self
Texas

POSITION STATEMENT: Testified in opposition to SB 61.

SEAN PARNELL, Visiting Fellow
People for Opportunity
Virginia

POSITION STATEMENT: Testified in opposition to SB 61.

VIKKI JO KENNEDY, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 61.

ALEX KOPLIN, Co-President
League of Women Voters of Alaska
Homer, Alaska

POSITION STATEMENT: Testified in support of SB 61.

CHRISTOPHER PEARSON, Board Member

National Popular Vote
Burlington, Vermont

POSITION STATEMENT: Testified in support of SB 61.

JASPER HENDRICKS, Strategist
Democrats for the Electoral College
Nashville, Tennessee

POSITION STATEMENT: Testified in opposition to SB 61

ACTION NARRATIVE

[1:31:54 PM](#)

CHAIR MATT CLAMAN called the Senate Judiciary Standing Committee meeting to order at 1:31 p.m. Present at the call to order were Senators Kiehl, Kaufman, Tobin, and Chair Claman.

SB 61-US PRESIDENT ELECT. POPULAR VOTE COMPACT

[1:32:33 PM](#)

CHAIR CLAMAN announced the consideration of SENATE BILL NO. 61 "An Act relating to an interstate compact to elect the President and Vice-President of the United States by national popular vote; and relating to the selection of electors for candidates for President and Vice-President of the United States and to the duties of those electors."

[1:32:57 PM](#)

Senator Bill Wielechowski, District K, Alaska State Legislature, Juneau, Alaska, sponsor of SB 61, paraphrased the sponsor statement.

Senate Bill 61 will give every Alaskan voter a meaningful vote in presidential elections by entering the National Popular Vote agreement with other states to guarantee the presidency to the candidate who receives the most votes nationwide.

SB 61 would have Alaska join the 15 other states and the District of Columbia that have already joined the agreement. Together these states have 195 electoral votes. Once states totaling a majority of the Electoral College (currently 270 votes) join the agreement, these states will begin to award their electoral votes to the presidential ticket that receives the most votes nationwide. Until this threshold is reached, Alaska will continue to allocate

its electoral votes to the winner of the statewide vote.

Under the current system presidential candidates do little to campaign for Alaskan votes, and they do not need to develop positions on - or even learn about - issues unique to Alaska. The last time a major presidential candidate came to Alaska to campaign for general election votes was John F. Kennedy in 1960.

It is not only Alaskan voters who are ignored in presidential elections - almost all serious campaigning happens in only 12 states. The entire Pacific Coast includes non-competitive states meaning presidential candidates do not have to address concerns that Alaska shares with other West Coast states like Pacific fisheries management. Under the National Popular Vote system, savvy presidential campaigns will fight for every persuadable vote, no matter where they are located, and develop messages addressing concerns of all regions.

The National Popular Vote agreement will not give any political party an advantage. An analysis by well-known statistician Nate Silver found that "there's almost no correlation between which party has the Electoral College advantage in one election and which has it four years later."

Passing SB 61 will help ensure that all American votes truly are equal, and that Alaskans' concerns must be taken seriously by presidential candidates.

[1:36:40 PM](#)

DAVID DUNSMORE, Staff, Senator Bill Wielechowski, Alaska State Legislature, Juneau, Alaska, provided the sectional analysis for SB 61 on behalf of the sponsor.

Section 1 is a conforming section that references Section 2.

Section 2 establishes that the statute for deciding tied elections do not apply the presidential electors when the National Popular Vote provisions are in effect.

Section 3 is a conforming section that references Section 4.

Section 4 establishes that Alaska's ranked choice voting system will be used for calculating the popular vote totals.

Section 5 is a conforming section that references Section 6.

Section 6 establishes that, when the National Popular Vote provisions are in effect, Alaska's presidential electors shall be awarded the winner of the nation-wide popular vote.

Section 7 is a conforming section that references Section 8.

Section 8 requires that, when the National Popular vote provisions are in effect, electors shall be required to vote for the presidential and vice-presidential candidates who won the nation-wide popular vote.

Section 9 enacts the Agreement Among the States to Elect the President by National Popular Vote.

- New AS 15.30.104 is the language of the Agreement:
 - Article I states that any state and the District of Columbia may join the agreement.
 - Article II requires each state to conduct a statewide popular vote election for president and vice-president.
 - Article III adopts procedures for awarding electors to the winner of the nation-wide popular vote.
 - Article IV states that the Agreement takes effect when states representing the majority of the electoral votes have joined the Agreement. It also establishes procedures for states to leave the Agreement.
 - Article V defines terms used in the Agreement.
- New AS 15.30.106 establishes that the director of the Division of Election is considered the

"chief election official" for purposes of the Agreement.

- New AS 15.30.108 establishes that when the agreement is in effect, it shall take precedence over any conflicting language in statute or regulation

1:39:53 PM

SENATOR KIEHL shared that he lacked a solid position on the issue of a national popular vote. He understood that the National Popular Vote Interstate Compact served as an equalizer for states during election campaigns. He classified Alaska as a rural state but noted that approximately 80 percent of Americans live in urban areas. He assumed that Americans in rural areas would be primary targets for presidential campaigns.

SENATOR WIELECHOWSKI noted the concern that large cities like New York or Los Angeles would control a nationwide popular vote for president. Under the National Popular Vote agreement, every vote would be equal throughout the entire United States. A vote cast in a city would be equal to a vote cast in a small town. He spoke to the argument that Americans would turn the presidential election results over to Los Angeles. He argued that Los Angeles does not control the outcome of statewide elections in California, evidenced by multiple gubernatorial candidates elected without winning Los Angeles.

SENATOR WIELECHOWSKI opined that the misconception about big cities stems from the myth that big cities account for a greater fraction of the United States population. He clarified that 85 percent of the United States population lives in communities with fewer than 365 thousand people. He spoke about the issue of the 13 small states with 3 or fewer electoral votes that are disadvantaged during the current process of awarding electoral votes. He continued to explain that closely divided battleground states are typically evenly split. He noted frequent comparisons between small Republican states like Alaska and Wyoming to Hawaii and New Hampshire, which typically vote Democrat.

SENATOR WIELECHOWSKI furthered that the smaller states are often ignored because they are not closely divided battleground states. He informed the committee that the 12 small non-battleground states have approximately the same population as the closely divided battleground state of Ohio. He added that the 12 small states have 40 electoral votes, more than double Ohio's 18 electoral votes. He noted that Ohio received 73 of the 253 post-convention campaign events in 2012, while the 12 non-

battleground states received none. He added that the current state by state, winner-takes-all system shifts power from voters in the small and medium sized states to voters in a handful of big, closely divided battleground states. The legislation allows for equalization of every vote, as intended by the Constitution.

[1:44:32 PM](#)

SENATOR KIEHL commented that the number of campaign visits was a proxy for attention to issues. He recalled that Maine has battleground Electoral College votes. He asked about Maine's proportion of campaign visits.

SENATOR WIELECHOWSKI responded that Maine received three visits in 2016 and two visits in 2020, while Alaska received none. He acknowledged that Maine received attention, as politically divided states do.

CHAIR CLAMAN queried the number of states who passed the National Popular Vote provision.

SENATOR WIELECHOWSKI replied that 270 electoral votes are required for the provision to pass. He stated that the provision has 195 electoral votes from legislation currently enacted in 15 states. He listed the states: Delaware, Hawaii, Rhode Island, Vermont, Colorado, Connecticut, Maryland, Massachusetts, New Jersey, New Mexico, Oregon, Washington, California, Illinois and New York. He cited instances where one legislative body passed similar legislation, but the other did not. He added that the compact was endorsed by the Arizona House of Representatives.

[1:47:13 PM](#)

CHAIR CLAMAN moved to invited testimony.

[1:48:38 PM](#)

DR. JOHN KOZA, Chairman, National Popular Vote; Author, Every Vote Equal, Los Altos, California, informed the committee of the shortcomings in the current presidential election system. The shortcomings stem from the winner-take-all laws, which Alaska and 48 other states passed. The states award all electoral votes to the candidate receiving the most popular votes in the state. The effect of the winner-take-all laws is that some states are ignored during the presidential election campaign. He stated that a presidential candidate will not visit a state that is united in its party voting record.

DR. KOZA explained that presidential campaigns were limited to 12 battleground states comprising approximately 30 percent of

the country's population. He pointed out that all of the small states were excluded with the exception of New Hampshire. He added that one congressional district in Maine received campaign attention. He added that nearly all western states are excluded from campaigning. He noted that most of the heartland, southern, rural, and northeastern states are ignored in the presidential campaign. The exclusion of states remains the largest problem with the current system.

DR. KOZA continued that Alaska has two extra electoral votes because of the state's two senators. He countered that the eight smallest states with three electoral votes, like Alaska received one general election campaign visit. He added that Wisconsin received 58 visits over the four election time period. Wisconsin has ten electoral votes. He pointed out that the winner-take-all rule led to election results hinging on a few states. The result of the process is unnecessary controversy and post-election disputes.

[1:54:02 PM](#)

CHAIR CLAMAN opened public testimony on SB 61.

[1:54:17 PM](#)

KARLA HART, representing self, Juneau, Alaska, testified in support of the SB 61. She stated that she is not an expert on the issue but testifies as an American who believes the US should have one-person-one-vote.

[1:54:54 PM](#)

SANTA CLAUS, representing self, North Pole, Alaska, testified in support of SB 61. He endorsed the National Popular Vote Interstate Compact. The compact ensures that the candidate for president who receives the most popular votes wins the election. He noted that the Electoral College electors would not be able to override the popular vote under the interstate compact.

[1:57:43 PM](#)

JOHN CRAWFORD, representing self, Grant, Michigan, testified in opposition to SB 61. He remarked that the bill before the committee impacts Michigan too. He stated that he is a retired citizen who has focused on the issue for approximately 12 years. He opined that the issue of electing the president is one of intentional assignment. He opined that the assignment rests with the states utilizing electors. He revealed that the states counterbalanced the federal government. He opined that the state legislatures should think like sovereign states.

[2:00:27 PM](#)

TRENT ENGLAND, Executive Director, Save Our States, Oklahoma City, testified in opposition to SB 61. He opposes the issue because the initial intent of the country's founders was for the state to elect the president by use of electors. He stated that the system was well-designed for federal elections. He opined that the Electoral College balances political power throughout the country. He stated that the compact was poorly drafted and illegal. He pointed out the attempt to use rank choice voting adjusted totals as part of the national election result totals. He argued that the proposed legislation violates Alaska's constitution, which prevents anyone from voting in Alaska's elections after conviction for serious crimes. He added that other states allow all felons to vote. He pointed out that some states allow felons to vote from prison. Under the proposed legislation, the prisoners from other states would be voting in Alaska's election for presidential electors. He stressed that the compact violates the Alaska constitution compact laws and the Electoral College clauses.

[2:03:03 PM](#)

TARA ROSS, representing self, Texas, testified in opposition to SB 61. She stated that the proposed legislation effectively eliminates the Electoral College. She opined that the current election process combines federalist and democratic principles. She pointed out that the compact is easy to join and unjoin as opposed to a constitutional amendment, which would provide a permanent solution.

[2:05:36 PM](#)

SEAN PARNELL, Member, People for Opportunity, Virginia, testified in opposition to SB 61. He stated a weakness in the compact existed in the absence of a national vote tally used to determine the winner under the compact. He echoed that ranked choice voting creates additional issues for the proposed compact. He anticipated a situation where the compact would not deliver a clear and conclusive winner because of the difficulty in calculating all votes across all states. He stated that better alternatives exist for the national popular vote issue.

[2:08:09 PM](#)

JASPER HENDRICKS, Democrats for the Electoral College, Nashville, Tennessee testified in opposition to SB 61. He shared that he served as a presidential elector in Virginia in 2016. He understood concerns about the presidential election process. He opined that the solution was not the National Popular Vote Interstate Compact. He opined that the compact would complicate

current issues while creating new ones. He remarked that the compact attempts to circumvent the constitutional amendment process. He opined that the Democratic Party was stronger with a diverse coalition across the entire nation.

[2:09:56 PM](#)

VIKKI JO KENNEDY, representing self, Juneau, Alaska, testified in support of SB 61. She reported that she represents a group of fed-up grannies. She opined that elections are confusing. She understood that the value of the Electoral College was outdated. She reported losing friends over her choices of presidential candidates. She stated support for ranked choice voting.

[2:12:47 PM](#)

ALEX KOPLIN, League of Women Voters of Alaska, Homer, Alaska, testified in support of SB 61.

CHAIR CLAMAN stated that the committee received a letter from Mr. Koplin. He asked if there were other remarks to add to the letter of support.

MR. KOPLIN commented on the prior testimony. He appreciated the conversation about the national compact and the Electoral College. He spoke about younger voters who are encouraged to vote when in reality, a vote in the presidential election holds less value than a vote in other races. He opined that the Electoral College process was antiquated. He stated that the president of the United States should be elected by popular vote.

[2:15:43 PM](#)

CHRISTOPHER PEARSON, National Popular Vote, Burlington, Vermont, testified in support of SB 61. He pointed out that he was a former state senator and representative in Vermont. He opined that the national popular vote option provides a simple solution. He argued that ranked choice voting was compatible with the national popular vote. He argued that the Electoral Count Act of 2022 reaffirmed that federal law requires each state to issue an official national popular vote count six days before the Electoral College meets. The federal law requires states to transmit the Certificates of Ascertainment for public review. The excuses from prior testifiers do not measure up to scrutiny. He added that voter turnout was depressed in non-battleground states. He opined that SB 61 would provide a boost to democracy.

[2:18:22 PM](#)

CHAIR CLAMAN closed public testimony on SB 61 and announced he would hold the bill in committee.

2:18:51 PM

There being no further business to come before the committee, Chair Claman adjourned the Senate Judiciary Standing Committee meeting at 2:18 p.m.