HB

175

<TARGET><BILL>HB 175</BILL><SUBJECT>HB 175</SUBJECT><COMM>HSTA30</COMM></TARGET>

ALASKA STATE LEGISLATURE

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House Community & Regional Affairs Committee
Co-Chair

Education

Fisheries

Joint Armed Services

Judiciary
Vice-Chair

REPRESENTATIVE ZACH FANSLER
DISTRICT 38

SPONSOR STATEMENT

House Bill 175 version 30-LS0658\D
US Presidential Election Compact

The National Popular Vote bill would grant the Presidency to the candidate who receives the most votes in the nation. The bill would ensure every vote, in every state, will matter in every presidential election.

The shortcomings of the current electoral system stem from state winner-take-all statutes—that is, state laws awarding all of a state's electoral votes to the candidate receiving the most popular votes in each separate state.

In 2016, two-thirds (273 of 399) of the general-election campaign events were in just 6 states (Florida, North Carolina, Pennsylvania, Ohio, Virginia, and Michigan). 94% of the 2016 events (375 of the 399) were in 12 states.

A former presidential candidate and Governor of Wisconsin, Scott Walker, said on September 2, 2015: "The nation as a whole is not going to elect the next president. Twelve states are."

The most glaring shortcoming of the winner-take-all rule is that 38 of 50 states were totally ignored in the 2012 general-election campaign for President. In 2012, 100% of the 253 general-election campaign events were concentrated in only 12 closely divided "battleground' states. Four states (Ohio, Florida, Virginia, and Iowa) received two-thirds of the 253 events.

This rule has permitted candidates to win the Presidency without gaining the most votes nationwide in five of our 58 presidential elections—about 1 in 12 times. In 2004, shift of 59,393 votes would have elected Senator John Kerry despite President Bush's nationwide lead of over 3,000,000 votes. In 2012, a shift of 214,390 votes would have elected Governor Romney despite President Obama's nationwide lead of almost 5,000,000 votes. In 2016, a shift of 38,875 votes would have elected Hilary Clinton—the candidate with a 2,864,974 lead in the national popular vote.

The winner-take-all method of awarding electoral votes was not debated at the Constitutional Convention. It is mentioned in the *Federalist Papers*. It was used by only three states in the nation's

first presidential election in 1789 (and all three repealed it by 1800). The winner-take-all method of awarding electoral votes was not used by a majority of the states until the 11th presidential election (1828). It did not become predominant until the 1880 election.

This bill is an interstate compact repealing the winner-take-all rule and would take effect only when enacted by states possessing a majority of the electoral votes. Eleven states, with a combined 165 electoral votes, have ratified the National Popular Vote bill: Rhode Island, Vermont, Hawaii, the District of Columbia, Maryland, Massachusetts, Washington, New Jersey, Illinois, New York, and California. 105 more are needed to reach the 270 necessary for the compact to come into effect.

The bill has passed a total of 34 legislative chambers in 23 states—most recently a bipartisan 40-16 vote in the Arizona House, 28-18 in the Oklahoma Senate, 57–4 in the New York Senate, and 37-21 in the Oregon House, and unanimously by legislative committees in Georgia and Missouri. A total of 2,955 state legislators have endorsed it, either by sponsoring it or casting a recorded vote in favor of it.

HOUSE COMMITTEE REPORT

3/29/17

(7)

Date Referred to Committee: March 13, 2017

FURTHER REFERRALS: Judiciary

Date of Committee Action: March 28, 2017

The STATE AFFAIRS Committee considered: HB 175

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."
HB 175-U.S. PRESIDENTIAL ELECTION COMPACT

Recommends it be replaced with [ ] HCS *or* [.] CS *for* _____(_____)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
AJS
CED
COR
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

NEW FISCAL NOTES
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
1	GOV			✓

PREVIOUS FISCAL NOTES

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP (2)	DNP (3)	NR (2)	AM
	Johnson		X		
	Wool			X	
	LeDoux			X	
	Knopp		X		
	Birch		X		
	Tuck	X			
Chair:	Kreiss-Tomkins	X			
Chair:					

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REPRESENTATIVE ZACH FANSLER
DISTRICT 38

TO: Representative Kreiss-Tomkins, Chair of House State Affairs Committee

FROM: Representative Fansler

DATE: 3-14-2017

RE: House Bill 175 Hearing Request

I respectfully request a hearing for House Bill 175 regarding a US Presidential Election Compact in the House State Affairs Committee. Please see the attached documentation for the hearing.

My lead staffer on this bill is Jill Yordy. She is available to answer any questions you may have.

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REPRESENTATIVE ZACH FANSLER
DISTRICT 38

SECTIONAL ANALYSIS

House Bill 175 version 30-LS0658\D
US Presidential Election Compact

Section 1. Changes AS 15.30.060, relating to notification of electors, to conform to the changes made by section five of the bill.

Section 2. Adds section (b) to AS 15.30.060 which invokes the compact added by section five of the bill and specifies how the compact will take effect.

Section 3. Changes AS 15.30.090, regarding duties of electors, to conform to the changes made by section five of the bill.

Section 4. Adds section (b) to AS 15.30.090 which invokes the compact added by section five of the bill and specifies how the compact will take effect.

Section 5. Ratifies an interstate compact to elect the President and Vice-President of the United States by national popular vote. Under the compact (and the bill), the presidential candidate who receives the most votes in all 50 states and the District of Columbia will win the presidency. Under the compact, all of the state's electoral votes would be awarded to the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia. This compact would take effect only when enacted by states possessing a majority of the electoral votes, 270 of the 538 possible electoral votes.

LEGAL SERVICES

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MEMORANDUM March 8, 2017

SUBJECT: Bill ratifying an interstate compact to elect the President and Vice-President of the United States by national popular vote, and making related statutory changes (Work Order No. 30-LS0658\A)

TO: Representative Jonathan Kreiss-Tomkins
Attn: Stephanie Gilardi

FROM: Alpheus Bullard TLAB
Legislative Counsel

This memo accompanies the bill described above. The bill is a reintroduction of HB 348 (Work Order No. 29-LS1441\A) with one change.

1. Change. This draft uses the exact terminology of the compact.

2. Constitutional issues. The Compact Clause of the United States Constitution[1] requires Congress to consent to certain compacts among the states. The United States Supreme Court has interpreted the clause to require Congressional consent to an interstate compact if the compact encroaches on federal supremacy.[2] The question then is whether the compact's potential or actual effect (if enacted by a sufficient number of states) on the balance of power between states to determine the outcome of a vote in the electoral college, amounts to an encroachment on federal supremacy. The answer to this question is not clear.

If Congressional approval of the compact were to be held to be constitutionally required under the Compact Clause, it is also not clear when that approval would be required.

This approach is a novel process and does not appear to be clearly unconstitutional. However, if the compact were to become the object of litigation, I cannot predict how a court would rule.

If I may be of further assistance, please advise.

TLAB:dls
17-195.dls
Attachment

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[1] Art. II, Sec. 1.

[2] "Looking at the clause in which the terms "compact" or "agreement" appear, it is evident that the prohibition is directed to the formation of any combination tending to the increase of political power in the States, which may encroach upon or interfere with the just supremacy of the United States." *United States Steel Corp.*, 434 U.S. 452, 468 (1978) quoting *Virginia v. Tennessee*, 148 U.S. 503, 519 (1893).

National Popular Election of the President
National Popular Vote!
www.NationalPopularVote.com

March 9, 2017

Questions about Congressional Consent and the National Popular Vote Compact

Representative Jonathan Kreiss-Tomkins (Rep.Jonathan.Kreiss-Tomkins@akleg.gov)
Attn: Stephanie Gilardi (Stephanie.Gilardi@akleg.gov)
Alaska House of Representatives
Juneau, Alaska

Dear Representative Jonathan Kreiss-Tomkins,

As you know, there is no dispute that the Compact Clause of the United States Constitution[1] requires Congress to consent to ***certain*** interstate compacts among the states. The U.S. Supreme Court has interpreted the Compact Clause to require congressional consent to an interstate compact ***if*** the compact encroaches on federal supremacy by ruling:

> "the prohibition is directed to the formation of any combination tending to the increase of political power in the states, which may encroach upon or interfere with the just supremacy of the United States."[2]

This letter discusses whether the National Popular Vote bill requires congressional consent.

SHORT ANSWER:

- Congressional consent is not required prior to a state legislature's consideration of a proposed interstate compact. If a particular compact requires congressional consent, Congress generally considers that question only after the compact has been approved by the requisite combination of states specified in the compact. In fact, advance consent by Congress is rare.
- Most interstate compacts do not mention congressional consent in their text—even when the sponsors believe that the compact requires congressional consent.
- The U.S. Supreme Court has ruled that congressional consent is only necessary for interstate compacts that "encroach upon or interfere with the just supremacy of the United States." Because the Supreme Court has repeatedly ruled that the choice of method of appointing presidential electors is an "exclusive" and "plenary" state power, there is no encroachment on federal authority.
- The U.S. Supreme Court has also ruled, "Absent a threat of encroachment or interference through enhanced state power, the existence of a federal interest is irrelevant." In fact, the courts have required encroachment to be significant before requiring congressional consent.
- If the U.S. Supreme Court rules that the National Popular Vote compact requires congressional consent, the compact would, of course, not go into effect until such consent is obtained.

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[1] U.S. Constitution. Article II, section 1, sub-section10.

[2] *U.S. Steel Corporation v. Multistate Tax Commission*, 434 U.S. 452, 468 (1978) quoting *Virginia v. Tennessee*, 148 U.S. 503, 519 (1893).

1. Timing of Congressional Consent

The U.S. Supreme Court ruled in the 1893 case of *Virginia v. Tennessee*:

> "The constitution does not state when the consent of congress shall be given, whether it shall precede or may follow the compact made, or whether it shall be express or may be implied."[3]

Thus, congressional consent is ***not*** required prior to a state legislature's consideration of an interstate compact. Moreover, if congressional consent is required, Congress generally considers the matter only ***after*** the compact has been approved by the requisite combination of states specified in the compact.

The rare occasions when Congress has consented to a compact prior to state legislative action fall into three groups:

(1) Congress has consented to a certain specific category of compacts in advance. Examples include the Crime Control Consent Act of 1934 (which granted advance consent to certain types of interstate crime control compacts) and the Weeks Act of 1911 (which granted advance consent to certain types of forest and water supply compacts).

(2) Congress has occasionally used the occasion of consenting to one compact to invite a second group of states with similar problems to adopt a similar compact. For example, in 1921, Congress granted its consent to a Minnesota–South Dakota compact relating to criminal jurisdiction over boundary waters and granted advance consent for a similar compact among Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

(3) Congress took the initiative in 1921 in creating an interstate compact to resolve a long-standing problem among scrabbling states involving water rights. The federal legislation called on the seven western states in the Colorado River basin to enter negotiations to resolve their ongoing dispute. The negotiations (held with great fanfare) were headed by Secretary of Commerce Herbert Hoover and led to the Colorado River Compact of 1922.

2. The U.S. Supreme Court (Not the Compact's Sponsors or States Involved) Determine Whether Congressional Consent is Needed

Most compacts do not mention the issue of Congressional consent in their text—even if the states involved intend to seek congressional consent.

For example, the 1921 Port Authority of New York Compact was silent as to congressional consent because the two states involved did *not* intend to seek congressional consent at the time that they entered into the compact. Later, the states involved decided to seek congressional consent (and received it).

Conversely, the states involved in the Multistate Tax Compact (which was silent in its text as to the role of Congress) originally sought congressional consent. However, after realizing that they could not obtain it, the states proceeded to implement the compact without congressional consent. Opponents initiated litigation. The U.S. Supreme Court ruled in favor of the states in the 1978 case of *U.S. Steel Corporation v. Multistate Tax Commission*[4]—the leading recent case on the issue of congressional consent of interstate compacts.

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[3] *Virginia v. Tennessee*. 148 U.S. 503 at 521. 1893.

[4] *U.S. Steel Corporation v. Multistate Tax Commission.* 434 U.S. 452. 1978.

3. Congressional Consent is Necessary Only for Interstates Compacts that Encroach Upon Federal Supremacy

The U.S. Constitution provides:

> "No state shall, without the consent of Congress,... enter into any agreement or compact with another state...."[5]

The U.S. Supreme Court has ruled, in 1893 and in 1978, that the Compacts Clause can

> "not be read literally"

in deciding the question of whether congressional consent is necessary for a particular interstate compact.

The 1893 case of *Virginia v. Tennessee* involved an interstate compact that had not received congressional consent. The U.S. Supreme Court upheld the constitutionality of the compact, saying:

> "Looking at the clause in which the terms 'compact' or 'agreement' appear, it is evident that **the prohibition is directed to the formation of any combination tending to the increase of political power in the states, which may encroach upon or interfere with the just supremacy of the United States.**"[6] [Emphasis added]

The Court continued:

> "**the test is whether the Compact enhances state power *quaod*** [with regard to] **the National Government.**"[7] [Emphasis added]

The 1978 case of *U.S. Steel Corporation v. Multistate Tax Commission* reinforced the Court's 1893 decision as to the criteria for determining whether a particular interstate compact requires congressional consent.

The Multistate Tax Compact was formulated by state tax administrators to stave off federal encroachment on the power of the states to tax multi-state businesses.[8] The compact created a commission empowered to conduct audits of businesses operating in multiple states and gave multistate businesses a choice of formulas for calculating their state taxes.

The Multistate Tax Compact provided that it would come into force when any seven or more states enacted it. By 1967, the requisite number of states had approved the compact.

The Multistate Tax Compact was submitted to Congress for its consent. After encountering fierce political opposition in Congress aroused by various business interests concerned about the more stringent tax audits anticipated under the compact, the compacting states proceeded to implement the compact without congressional consent. U.S. Steel and other companies challenged the states' action.

In upholding the constitutionality of the states' implementation of the compact without congressional consent, the U.S. Supreme Court ruled in 1978 in *U.S. Steel Corporation v. Multistate Tax Commission*:

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[5] U.S. Constitution. Article I, section 10, clause 3.

[6] *Virginia v. Tennessee*. 148 U.S. 503 at 519. 1893.

[7] *Virginia v. Tennessee*. 148 U.S. 503. 1893.

[8] *The Gillette Company et al. v. Franchise Tax Board.* Court of Appeal of the State of California, First Appellate District, Division Four. July 24, 2012. Page 4. Appendix GG contains the full opinion.

> "**Read literally, the Compact Clause would require the States to obtain congressional approval** before entering into any agreement among themselves, irrespective of form, subject, duration, or interest to the United States.
>
> "**The difficulties with such an interpretation were identified by Mr. Justice Field in his opinion for the Court in [the 1893 case] *Virginia v. Tennessee.*[9] His conclusion [was] that the Clause could not be read literally** [and the Supreme Court's 1893 decision has been] approved in subsequent dicta, but this Court did not have occasion expressly to apply it in a holding until our recent [1976] decision in *New Hampshire v. Maine*,[10] supra."
>
> "Appellants urge us to abandon *Virginia v. Tennessee* and *New Hampshire v. Maine*, but provide no effective alternative other than a literal reading of the Compact Clause. At this late date, **we are reluctant to accept this invitation to circumscribe modes of interstate cooperation that do not enhance state power to the detriment of federal supremacy.**"[11] [Emphasis added]

State power over the manner of awarding electoral votes is specified in Article II, section 1, clause 2 of the U.S. Constitution:

> "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors...."[12]

In the 1892 case of *McPherson v. Blacker* (the preeminent case involving presidential electors), the U.S. Supreme Court ruled:

> "The appointment and mode of appointment of electors belong **exclusively** to the states under the constitution of the United States"[13] [Emphasis added]

The National Popular Vote compact would not be a "combination tending to the increase of political power in the states which may encroach upon or interfere with the just supremacy of the United States" because the choice of manner of appointing presidential electors is an "exclusively" state—not federal—power.

In the 1991 case of *McComb v. Wambaugh*, the U.S. Court of Appeals for the Third Circuit held that no encroachment occurs where the subject of the compact concerns

> "areas of jurisdiction historically retained by the states."[14]

The absence of federal power—much less federal supremacy—over the awarding of electoral votes is made especially clear by comparing the constitutional provision (section 1 of Article I) dealing with presidential elections with the constitutional provision (section 4 of Article II) dealing with congressional elections.

Section 4 of Article II states:

> "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; **but**

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[9] *Virginia v. Tennessee*. 148 U.S. 503. 1893.

[10] *New Hampshire v. Maine*, 426 U.S. 363. 1976.

[11] *U.S. Steel Corporation v. Multistate Tax Commission.* 434 U.S. 452. at 459–460. 1978.

[12] U.S. Constitution. Article II, section 1, clause 2.

[13] *McPherson v. Blacker*. 146 U.S. 1 at 29. 1892.

[14] 934 F.2d at 479 (3rd Cir. 1991).

> **the Congress may at any time by Law make or alter such Regulations,** except as to the Places of chusing Senators." [Emphasis added]

As can be seen, section 4 of Article I gives states *primary*—but not *exclusive*—control over congressional elections. In contrast, section 1 of Article II gives the states *exclusive* control over the manner of appointing presidential electors.

The National Popular Vote compact would not encroach on the "just supremacy of the United States," because the states have the *exclusive* power to choose the method of appointing their presidential electors.

In upholding the constitutionality of the states' implementation of the Multistate Tax Compact without congressional consent, the U.S. Supreme Court applied the interpretation of the Compact Clause from its 1893 holding in *Virginia v. Tennessee*, writing that:

> "**the test is whether the Compact enhances state power *quaod*** [with regard to] **the National Government.**"[15] [Emphasis added]

The Court also noted that the compact did not

> "authorize the member states to exercise any powers they could not exercise in its absence."[16]

In discussing whether the National Popular Vote compact requires congressional consent, Tara Ross, an opponent of the National Popular Vote compact, has argued that the federal government has an "interest" in the compact.

> "**The federal government has at least one important interest at stake.** As Professor Judith Best has noted, **the federal government has a vested interest in protecting its constitutional amendment process.** If the NPV compact goes into effect, its proponents will have effectively changed the presidential election procedure described in the Constitution, without the bother of obtaining a constitutional amendment."[17] [Emphasis added]

Of course, the National Popular Vote compact would not change any "presidential election procedure described in the Constitution" because the method by which states appoint their presidential electors is not specified in the U.S. Constitution. Obviously, no state law or interstate compact can change anything in the U.S. Constitution. Instead, the National Popular Vote compact would change *state* winner-take-all statutes. None of these *state* winner-take-all statutes was originally adopted by means of a federal constitutional amendment. None of these state statutes has constitutional status. The winner-take-all rule was not debated by the Constitutional Convention or mentioned in the *Federalist Papers*. It was used by only three states in the nation's first presidential election in 1789, and all three states (Maryland, New Hampshire, and Pennsylvania) abandoned it by 1800. It was not until the 11th presidential election (1828) that the winner-take-all rule was used by even a majority of the states. The winner-take-all rule did not become predominant until the 1880 presidential election—almost a century after the Constitutional Convention in 1787.

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[15] *Virginia v. Tennessee*. 148 U.S. 503. 1893.

[16] *U.S. Steel Corporation v. Multistate Tax Commission*. 434 U.S. 452 at 473. 1978. Justice Powell wrote the opinion of the Court, joined by Chief Justice Burger and Justices Brennan, Stewart, Marshall, Rehnquist, and Stevens.

[17] Ross, Tara. 2010. Federalism & Separation of Powers: Legal and Logistical Ramifications of the National Popular Vote Plan. *Engage*. Volume 11. Number 2. September 2010. Page 40.

All of these *state* winner-take-all statutes may be changed in the same manner as they were adopted, namely by passage by the state legislature of a different state law changing the state's method of appointing its presidential electors. Thus, the National Popular Vote compact should not arouse federal "interest" in protecting the constitutional amendment process.

4. The Existence of a "Federal Interest is Irrelevant in Determining Whether Congressional Consent is Required for a Particular Interstate Compact Absent a Threat of Encroachment

There is another fallacy in Tara Ross's argument that the federal government has an "interest" in the National Popular Vote compact.

The U.S. Supreme Court specifically addressed the question of whether the mere existence of a federal "interest" is sufficient to require that a compact obtain congressional consent by the majority decision in *U.S. Steel Corporation v. Multistate Tax Commission*. The U.S. Supreme Court stated (in footnote 33):

> "**The dissent appears to confuse potential impact on 'federal interests' with threats to 'federal supremacy.'** It dwells at some length on the unsuccessful efforts to obtain express congressional approval of this Compact, relying on the introduction of bills that never reached the floor of either House. This history of congressional inaction is viewed as 'demonstrat[ing] ... a federal interest in the rules for apportioning multistate and multinational income,' and as showing 'a potential impact on federal concerns.' Post, at 488, 489. **That there is a federal interest no one denies.**
>
> "The dissent's focus on the existence of federal concerns misreads *Virginia v. Tennessee* and *New Hampshire v. Maine*. **The relevant inquiry under those decisions is whether a compact tends to increase the political power of the States in a way that 'may encroach upon or interfere with the just supremacy of the United States.'** *Virginia v. Tennessee*, 148 U.S., at 519. **Absent a threat of encroachment or interference through enhanced state power, the existence of a federal interest is irrelevant. Indeed, every state cooperative action touching interstate or foreign commerce implicates some federal interest. Were that the test under the Compact Clause, virtually all interstate agreements and reciprocal legislation would require congressional approval.**
>
> "In this case, the Multistate Tax Compact is concerned with a number of state activities that affect interstate and foreign commerce. But as we have indicated at some length in this opinion, the terms of the Compact do not enhance the power of the member States to affect federal supremacy in those areas.
>
> "The dissent appears to argue that the political influence of the member States is enhanced by this Compact, making it more difficult—in terms of the political process—to enact pre-emptive legislation. We may assume that there is strength in numbers and organization. But enhanced capacity to lobby within the federal legislative process falls far short of threatened 'encroach[ment] upon or interfer[ence] with the just supremacy of the United States.' Federal power in the relevant areas remains plenary; no action authorized by the Constitution is 'foreclosed,' see post, at 491, to the Federal Government acting through Congress or the treaty-making power.

> "The dissent also offers several aspects of the Compact that are thought to confer 'synergistic' powers upon the member States. Post, at 491-493. **We perceive no threat to federal supremacy in any of those provisions.** See, e.g., *Virginia v. Tennessee*, supra, at 520."[18] [Emphasis added]

It should also be noted that an interstate compact among certain states may potentially affect non-member states.

In a *dissenting* opinion in *U.S. Steel Corporation v. Multistate Tax Commission*, U.S. Supreme Court Justices Byron White and Harry Blackmun suggested that courts could consider the possible adverse effects of a compact on non-compacting states in deciding whether congressional consent is necessary for a particular compact.

> "A proper understanding of what would encroach upon federal authority, however, must also incorporate encroachments on the authority and power of non-Compact States."[19]

The U.S. Supreme Court addressed this argument in *U.S. Steel Corp. v. Multistate Tax Commission* by saying:

> "Appellants' final Compact Clause argument charges that the Compact impairs the sovereign rights of nonmember States. Appellants declare, without explanation, that if the use of the unitary business and combination methods continues to spread among the Western States, unfairness in taxation—presumably the risks of multiple taxation—will be avoidable only through the efforts of some coordinating body. Appellants cite the belief of the Commission's Executive Director that the Commission represents the only available vehicle for effective coordination, and conclude that **the Compact exerts undue pressure to join upon nonmember States in violation of their 'sovereign right' to refuse**.
>
> "We find no support for this conclusion. It has not been shown that any unfair taxation of multistate business resulting from the disparate use of combination and other methods **will redound to the benefit of any particular group of States or to the harm of others. Even if the existence of such a situation were demonstrated, it could not be ascribed to the existence of the Compact. Each member State is free to adopt the auditing procedures it thinks best, just as it could if the Compact did not exist**. Risks of unfairness and double taxation, then, are independent of the Compact.
>
> "Moreover, it is not explained how any economic pressure that does exist is an affront to the sovereignty of nonmember States. **Any time a State adopts a fiscal or administrative policy that affects the programs of a sister State, pressure to modify those programs may result. Unless that pressure transgresses the bounds of the Commerce Clause or the Privileges and Immunities Clause** of Art. IV, 2, see, e.g., *Austin v. New Hampshire*, 420 U.S. 656 (1975), **it is not clear how our federal structure is implicated**. Appellants do not argue that an individual State's decision to apportion nonbusiness income—or to define business income broadly, as the regulations of the

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[18] *U.S. Steel Corporation v. Multistate Tax Commission.* 434 U.S. 452 at 479. 1978.

[19] *U.S. Steel Corp. v. Multistate Tax Commission*. 434 U.S. at 494. 1978.

> Commission actually do—touches upon constitutional strictures. This being so, we are not persuaded that the same decision becomes a threat to the sovereignty of other States if a member State makes this decision upon the Commission's recommendation."[20] [Emphasis added]

In the 1985 case of *Northeast Bancorp, Inc. v. Board of Governors of the Federal Reserve System*, the U.S. Supreme Court again considered (and again rejected) arguments that an interstate compact impaired the sovereign rights of non-member states or enhanced the political power of the member states at the expense of other states. The Court wrote that it:

> "do[es] not see how the statutes in question ... enhance the political power of the New England states at the expense of other States...."[21]

The courts have required encroachment to be significant before requiring congressional consent. Even where encroachment on federal authority arguably occurs, congressional consent might not be required. For example, an encroachment on federal powers arguably occurred in the compact involved in the 2002 case of *Star Scientific, Inc. v. Beales*[22] that resolved the lawsuit between states and major tobacco companies concerning the regulation of national cigarette advertising. Yet, this compact was held to be valid despite not receiving Congressional consent.

Tara Ross has taken note of the dissenting opinion in *U.S. Steel Corporation v. Multistate Tax Commission* and has argued that

> "non-compacting states have ... important interests."[23]

In particular, Ross has identified three potential "interests" of non-compacting states in the National Popular Vote compact.

> "NPV deprives these states of their opportunity, under the Constitution's amendment process, to participate in any decision made about changing the nation's presidential election system.
>
> "They are also deprived of the protections provided by the supermajority requirements of Article V....
>
> "The voting power of states relative to other states is changed. NPV is the first to bemoan the fact that 'every vote is not equal' in the presidential election and that the weight of a voters' ballot depends on the state in which he lives. **In equalizing voting power, NPV is by definition increasing the political power of some states and decreasing the political power of other states.**"[24] [Emphasis added]

Concerning Ross' first point, the National Popular Vote bill has been introduced into all 50 state legislatures and the Council of the District of Columbia, thus providing all states with the "opportunity ... to participate."

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[20] *Id.* at 477–478.

[21] *Northeast Bancorp, Inc. v. Board of Governors of the Federal Reserve System.* 472 U.S. 159 at 176. 1985.

[22] 278 F.3d 339 (4th Cir. 2002).

[23] Ross, Tara. 2010. Federalism & Separation of Powers: Legal and Logistical Ramifications of the National Popular Vote Plan. *Engage*. Volume 11. Number 2. September 2010. Page 40.

[24] Ross, Tara. 2010. Federalism & Separation of Powers: Legal and Logistical Ramifications of the National Popular Vote Plan. *Engage*. Volume 11. Number 2. September 2010. Page 40.

Concerning Ross' second point, Article V is the part of the U.S. Constitution that deals with constitutional amendments. The National Popular Vote compact would not change the Constitution. It is an exercise of an exclusive power already granted to the states under section 1 of Article II of the Constitution, namely the power of each state to appoint its own presidential electors in the manner it chooses. The compact would change *state* winner-take-all statutes that came into widespread use more than four decades after the Constitution was ratified. None of these state winner-take-all statutes was originally adopted by means of a federal constitutional amendment, and none has constitutional status. All of these state statutes may be changed in the same manner as they were adopted, namely by passage of a new state law changing the state's method of appointing its presidential electors.

Ross' third point concerns the potential effect on the *political value* of a vote cast by voters in some non-compacting states.

The National Popular Vote compact would treat votes cast in all 50 states and the District of Columbia equally. A vote cast in a compacting state would be, in every way, equal to a vote cast in a non-compacting state. The National Popular Vote compact would not confer any advantage on states belonging to the compact as compared to non-compacting states.

Ross is, in effect, arguing that certain battleground states might have a *constitutional* right to maintain the *excess* political value of votes cast in their states, but that disadvantaged or altruistic states have no right or ability to create equality in the political value of everyone's votes by exercising their *independent* constitutional power over the method of awarding their own electoral votes.

Of course, it has always been the case that one state's choice of the manner of appointing its presidential electors has affected the *political value* of a vote cast in other states. For example, the use of the winner-take-all rule by a closely divided battleground state plainly diminishes the political value of the votes cast by citizens in the non-battleground states.

It is inherent in the grant by the U.S. Constitution, to *each* state, of the power to choose the method of appointing its presidential electors that one state's decision can enhance the political value of its vote and thereby impact (diminish) the political value of the vote in other states. This is a direct consequence of federalism and the fact that the Constitution gave each individual state the power to decide the method of appointing its own presidential electors.

A present-day battleground state could, of course, eliminate the political effect of its winner-take-all rule on other states by changing its method of appointing its presidential electors. For example, if a battleground state were to change its winner-take-all statute to a proportional method for awarding electoral votes, presidential candidates would pay less attention to that state because only one electoral vote would probably be at stake in the state. However, we are not aware of anyone who currently argues that any present-day battleground state has a constitutional obligation to make such a change in order to reduce its impact on the political value of a vote in the non-battleground states.

If the Constitution gives a closely divided battleground state the power to choose a method of awarding its electoral votes that increases the political value of votes cast in its state, it also gives the power to non-battleground states to choose a method for awarding their electoral votes to counter-balance the political effect of the decision made by the battleground state (and, arguably, create a better overall system in the process).

In any case, the electoral votes of the non-compacting states would continue to be cast in the manner specified by the laws of those states. The electoral votes of the non-compacting states would continue to be cast, and continue to be counted, in the Electoral College in the manner

provided by the Constitution. This means that the non-compacting states would continue to cast their votes for the winner of the statewide popular vote (or district-wide popular vote in Maine and Nebraska) after the National Popular Vote compact is implemented. No non-compacting state would be compelled to cast its electoral votes for the winner of the national popular vote.

The political impact of the winner-take-all rule on other states has long been recognized as a political reality. It is not Alaska's winner-take-all law or California's winner-take-all law that makes a vote in non-battleground states such as Alaska and California politically irrelevant in presidential elections. Indeed, a vote in California and a vote in Alaska are equal today, and both are equally worthless in presidential elections. Instead, it is the use of the winner-take-all rule in closely divided battleground states (such as Ohio and New Hampshire) that has extinguished the political value of votes cast in the 38 non-battleground states (such as Alaska and California).

The Founding Fathers intended, as part of the political compromise that led to the Constitution, to confer a certain amount of extra influence on the less populous states by giving every state a bonus of two electoral votes corresponding to its two U.S. Senators. The Founders also intended that the Constitution's formula for allocating electoral votes would give the bigger states a larger amount of influence in presidential elections. Their goals with respect to *both* small states and big states were never achieved because of the emergence of political parties in the 1796 presidential election and the subsequent widespread adoption by the states of state winner-take-all laws (mostly in the 1820s and 1830s). The winner-take-all rule drastically altered the political value of votes cast in both small and big states throughout the country.

Interstate comparisons of the *political value* of a vote are not, according to past judicial rulings, a legal basis for contesting any state's decision to adopt a certain method of appointing its own presidential electors under Article II, section 1, clause 2 of the Constitution.

In 1966, the U.S. Supreme Court declined to act in response to a complaint concerning the political impact of one state's choice of the manner of appointing its presidential electors on another state. In *State of Delaware v. State of New York*, Delaware led a group of 12 predominantly small states (including North Dakota, South Dakota, Wyoming, Utah, Arkansas, Kansas, Oklahoma, Iowa, Kentucky, Florida, and Pennsylvania) in suing New York in the U.S. Supreme Court. At the time of this lawsuit, New York was not only a closely divided battleground but also the state possessing the largest number of electoral votes (43). Delaware argued that New York's decision to use the winner-take-all rule effectively disenfranchised voters in the 12 plaintiff states. New York's (defendant) brief is especially pertinent.[25] Despite the fact that the case was brought under the Court's original jurisdiction, the U.S. Supreme Court declined to hear the case (presumably because of the well-established constitutional provision that the manner of awarding electoral votes is exclusively a state decision).[26]

In 1968, the constitutionality of the winner-take-all rule was challenged in *Williams v. Virginia State Board of Elections*.[27] A federal court in Virginia upheld the winner-take-all rule. The U.S. Supreme Court affirmed this decision in a *per curiam* decision in 1969.[28]

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[25] Delaware's brief, New York's brief, and Delaware's argument in its request for a re-hearing in the 1966 case of *State of Delaware v. State of New York* may be found at http://www.nationalpopularvote.com/pages/misc/de_lawsuit.php.

[26] *State of Delaware v. State of New York*, 385 U.S. 895, 87 S.Ct. 198, 17 L.Ed.2d 129 (1966).

[27] *Williams v. Virginia State Board of Elections*, 288 F. Supp. 622 - Dist. Court, ED Virginia 1968.

[28] *Williams v. Virginia State Board of Elections*. 393 U.S. 320 (1969) (per curiam).

There is an additional independent argument that the potential political impact on non-compacting states should not be a consideration in evaluating a compact concerned with how states choose to appoint their presidential electors.

Article II, section 1, clause 2 of the U.S. Constitution provides:

> "**Each State** shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors...."[29] [Emphasis added]

Article I, section 4, clause 1 provides

> "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but **the Congress may at any time by Law make or alter such Regulations**, except as to the Places of chusing Senators." [Emphasis added]

Article I confers on "each state" the power to choose the manner of electing its members of Congress; however, it subjects those state decisions to being overridden at the national level. Congress has, on occasion, overridden state choices that it deemed to not be in the national interest (e.g., electing members of the U.S. House of Representatives at-large, instead of from single-member districts).

Article II is different in that state decisions are not subjected to such congressional scrutiny. "Each state" is empowered to choose the manner of appointing its presidential electors, irrespective of Congress' opinion of the method.

5. If the U.S. Supreme Court Rules that the National Popular Vote Compact Requires Congressional Consent, the Compact Would Not Go into Effect Until such Consent is Obtained

Of course, there is always the possibility that the U.S. Supreme Court might change the legal standards concerning congressional consent contained in its 1893 and 1978 precedents.

Because Congress typically considers a compact only after the compact has been approved by the combination of states required to bring the compact into effect, one would expect that any action in Congress would occur after the compact had been approved by the 25 (or so) states possessing the requisite majority of the electoral votes (i.e., 270 of 538).

The effect of a court decision changing the standards for requiring congressional consent for the National Popular Vote compact would be to add an approval step (namely Congress) above and beyond the approval by states possessing a majority of the electoral votes (270 of 538).

Because there could be litigation about congressional consent, National Popular Vote is working to obtain support for the compact in Congress.

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[29] U.S. Constitution. Article II, section 1, clause 2.

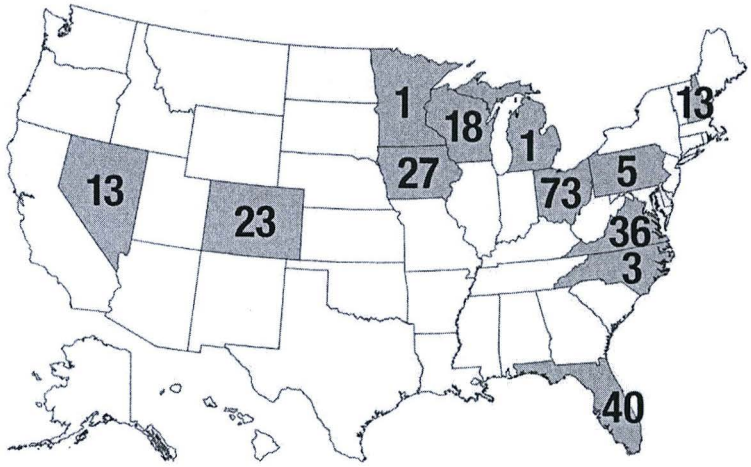
National Popular Vote Bill

The National Popular Vote bill would guarantee the Presidency to the candidate who receives the most popular votes in all 50 states and the District of Columbia.

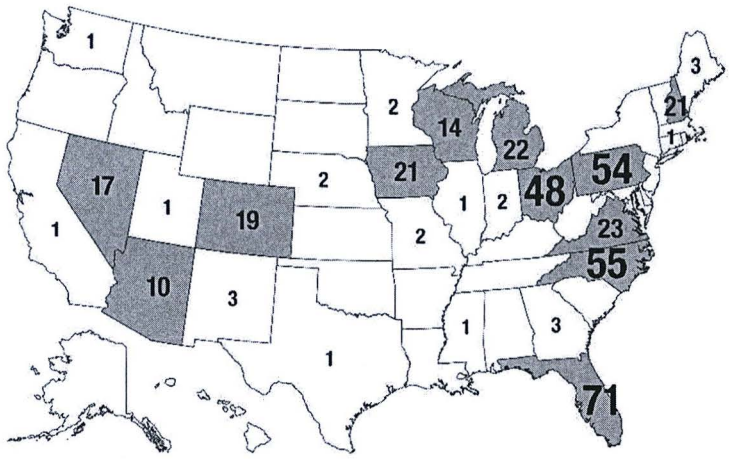
The bill would ensure that *every* vote, in *every* state, will matter in *every* presidential election.

The shortcomings of the current system of electing the President stem from *state* winner-take-all *statutes*—that is, state laws that award all of a state's electoral votes to the candidate receiving the most popular votes in each *separate* state.

The most important shortcoming of the winner-take-all rule is that 38 of 50 states were totally ignored in the 2012 general-election campaign for President. Candidates have no reason to pay any attention to states where they are comfortably ahead or hopelessly behind. In 2012, 100% of the 253 general-election campaign events were concentrated in only 12 closely divided "battleground' states. Four states (Ohio, Florida, Virginia, and Iowa) received two-thirds of the 253 events (and similar shares of campaign expenditures).



In 2016, two-thirds (273 of 399) of the general-election campaign events were in just 6 states (Florida, North Carolina, Pennsylvania, Ohio, Virginia, and Michigan). 94% of the 2016 events (375 of the 399) were in 12 states.



As former presidential candidate and Governor Scott Walker of Wisconsin said on September 2, 2015:

> "The nation as a whole is not going to elect the next president. Twelve states are."

Another shortcoming of the winner-take-all rule is that it has permitted candidates to win the Presidency without winning the most popular votes nationwide in five of our 58 presidential elections—about 1 in 12 times. A shift of 59,393 votes in Ohio in 2004 would have elected Senator John Kerry despite President Bush's nationwide lead of over 3,000,000 votes. A shift of 214,390 votes in 2012 would have elected Governor Romney despite President Obama's nationwide lead of almost 5,000,000 votes. A shift of 38,875 votes in 2016 would have elected Hilary Clinton—the candidate with a 2,864,974 lead in the national popular vote.

The winner-take-all rule adversely affects governance as well as campaigns. Sitting Presidents (whether contemplating their own re-election or the election of their preferred successor) pay inordinate attention to closely divided "battleground" states. Closely divided "battleground" states receive 7% more presidentially controlled grants, twice as many disaster declarations, more presidential exemptions and waivers, and numerous favorable actions from Presidents.

These impacts on governance are detailed in the 2014 book *Presidential Pork* (Hudak), the 2015 book *Presidential Swing States: Why Only Ten Matter* (Hecht and Schultz), the 2016 book *Going Red: The Two Million Voters Who Will Elect the Next President* (Morrissey), the 2011 book *The Rise of the President's Permanent Campaign* (Doherty), and the 2015 book *The Particularistic President* (Kriner and Reeves).

Voter turn-out was 11% higher in closely divided "battleground" states in 2012 than the 38 "spectator" states.

Former White House Press Secretary Ari Fleischer has said:

> "If people don't like it, they can move from a safe state to a swing state and see their president more."

However, people don't have to move to a battleground state in order to make their vote count in presidential elections.

The U.S. Constitution (Article II, Section 1) gives states exclusive control over awarding their electoral votes:

> "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors...."

The winner-take-all method of awarding electoral votes was not debated at the Constitutional Convention. It is mentioned in the *Federalist Papers*. It was used by only three states in the nation's first presidential election in 1789 (and all three repealed it by 1800). The winner-take-all method of awarding electoral votes was not used by a majority of the states until the 11th presidential election (1828). It did not become predominant until the 1880 election.

The National Popular Vote bill is an interstate compact that would repeal the winner-take-all rule. The compact would take effect only when enacted by states possessing a majority of the electoral votes—that is, enough electoral votes to elect a President (270 of 538). Under the compact, all the electoral votes from the enacting states would be awarded to the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia.

The National Popular Vote bill preserves the Electoral College and respects the power of each state to choose the method of awarding its electoral votes.

Some people claim that the current state-by-state winner-take-all method of awarding electoral votes theoretically benefits less populous states, such as Alaska.

However, theory is very different from political reality. In the 2012 presidential election, the Alaska, Montana, Idaho, Wyoming, North Dakota, South Dakota received no general-election campaign events. Similarly, Hawaii, Vermont, Maine, Rhode Island, Delaware and DC received none. These 6 safely Republican and 6 safely Democratic states are not ignored because they are small, but because they are one-party states in presidential elections. Because of existing state "winner-take-all" laws, candidates have no reason to campaign in any state where they are certain to win or certain to lose. Candidate only pay attention to closely divided "battleground" states, with the result that only 12 states received ***any*** general-election campaign events in 2012.

The political irrelevance of the 12 smallest states under the ***current*** system becomes especially clear if you notice that these states together have the same population—12 million—as the closely divided battleground state of Ohio. The 12 small states together have 40 electoral votes—more than twice Ohio's 18.. If defenders of the current system are correct, candidates would pay a lot of attention to these 12 small states with 40 electoral votes. However, the facts are that Ohio received 73 of the entire nation's 253 general-election campaign events in 2012, while the 12 small states received none.

Now let's look at the one state, among the smallest 13 states, that regularly receives any general-election campaign attention. New Hampshire received 12 of the 253 general-election campaign events, because political clout comes from being a closely divided battleground state—not from being a small state. In a national popular vote for President, ***every vote would be equal***. Under National Popular Vote, a vote in Alaska would suddenly become as important as a

vote in New Hampshire. If every vote were equal, each of the 12 smallest states (including Alaska) would be likely to receive 1 general-election event—instead of just one state (New Hampshire) receiving 12 events.

The National Popular Vote bill has been enacted into law by 11 jurisdictions including four small jurisdictions (Rhode Island, Vermont, Hawaii, and the District of Columbia,), three medium-size states (Maryland, Massachusetts, and Washington), and four big states (New Jersey, Illinois, New York, and California). The 11 jurisdictions that have already enacted the bill possess 165 electoral votes. The National Popular Vote compact will come into effect when approved by state possessing 270 electoral votes. Thus, 105 more electoral votes are needed.

The bill has passed a total of 34 legislative chambers in 23 states—most a bipartisan 40-16 vote in the Republican Arizona House, 28-18 in the Republican Oklahoma Senate, 57–4 in the Republican New York Senate, and 37-21 in the Democratic Oregon House, and unanimously by legislative committees in Georgia and Missouri. A total of 2,955 state legislators have endorsed it, either by sponsoring it or casting a recorded vote in favor of it.

Supporters include former Senators Jake Garn (R–UT), Birch Bayh (D–IN), David Durenberger (R–MN) and the late Fred Thompson (R–TN); former Cong. John Anderson (R–IL, I), John Buchanan (R–AL), Tom Campbell (R–CA), Tom Downey (D–NY), Tom Tancredo (R-CO) and Bob Barr (R-GA); former Governors Howard Dean (D–VT) and Jim Edgar (R–IL); and former House Speaker Newt Gingrich (R–GA).

HB 175 Letters of Opposition

Name	Date Received	Type	Page
Karen Limstrom	3-20-17	Opposition	2

No NO NO NO NO to Hb 175 support. Are you crazy for thinking of this assinie bill? Since when do we care what New York State and California have to say? Why on earth would I want my vote to go along with the large corrupt urban areas of the US? The electoral college was instituted by our wise forefathers for good reason. Do not waste you time corrupting it!

GET BACK TO BALANCING THE BUDGET. DO NOT WASTE TIME ON THIS BOONDOGLE!

Karen Limstrom

HB 175 Letters of Support

Name	Date Received	Type	Page
Judy Williams	3-15-17	Support	3
Naomi Davidson	3-15-17	Support	3
Donna Braendel	3-15-17	Support	3
Malena Marvin	3-15-17	Support	3-4
Margo Waring	3-15-17	Support	5
League of Women Voters	3-16-17	Support	5-6
Ceal Smith	3-20-17	Support	6
Rebecca Gaguine	3-20-17	Support	7
Christine & Martin Niemi	3-20-17	Support	7
Karla Hart	3-20-17	Support	7
Connie Bennet	3-20-17	Support	8
Santa Claus	3-20-17	Support	8
Alison Brehmer	3-20-17	Support	8
Elizabeth Chadene Krome	3-20-17	Support	8
Shirley Carlson	3-21-17	Support	8
Chris Prussing	3-21-17	Support	9-10
Patti Berkhahn	3-21-17	Support	10
Heather Szundy	3-21-17	Support	11
Susan Royce	3-21-17	Support	11
Kristin Summers	3-21-17	Support	11
Khristy Herrington	3-21-17	Support	11
Paula Sayler	3-21-17	Support	12
Conrad Muller	3-21-17	Support	12
John Lamb	3-21-17	Support	12
Duane Howe	3-20-17	Support	13
Helen Woodings	3-20-17	Support	13
Libby Stortz	3-20-17	Support	13
Marian Allen	3-20-17	Support	13
Sarah Bean	3-20-17	Support	14
James Moberly	3-20-17	Support	14
Bee Tessum	3-20-17	Support	14
Christine Everett	3-21-17	Support	15
Kay Gajewski	3-21-17	Support	15
Louise Dekreon-Watsjold	3-21-17	Support	15
Peggy Mullen	3-21-17	Support	15
Cindy Litman	3-21-17	Support	15
Tasha Porcello	3-21-17	Support	16
Ken Petty	3-21-17	Support	16
Christel Petty	3-21-17	Support	16
Debbie Hinchey	3-21-17	Support	16
Paula Sayer	3-21-17	Support	16
Kathryn Carovano	3-21-17	Support	17

Name	Date Received	Type	Page
Jonna Naylor	3-21-17	Support	17
Patricia Hanson	3-20-17	Support	17
Debbie Corral	3-20-17	Support	17
Donna Madison	3-21-17	Support	18
Marlene Wagner	3-22-17	Support	18
Barbara Farris	3-21-17	Support	18
Gretchen Murphy	3-22-17	Support	18

The electoral college has completely outlived its usefulness. Because it's broken, citizens' votes don't count with full and equal weight. Never has that been more apparent than in the 2016 election. If people don't feel their vote is going to count, they'll stop voting. There is no alternative to full participation in our democracy. Without the knowledge that our votes count, our democracy will fall apart. You can already see that happening.

Please support the National Popular Vote bill in Alaska via HB 175!

Judy Williams
Eagle River, AK

The electoral college has completely outlived its usefulness. Because it's broken, citizens' votes don't count with full and equal weight. Never has that been more apparent than in the 2016 election. If people don't feel their vote is going to count, they'll stop voting. There is no alternative to full participation in our democracy. Without the knowledge that our votes count, our democracy will fall apart. You can already see that happening.

Please support the National Popular Vote bill in Alaska via HB 175!

Thank you,

Naomi Davidson

Juneau 99801

Please support HB 175

Every person's vote should count regardless of what state they live in. If their vote doesn't count, and in the Electoral College system it may not, there is no representation. If people don't feel their vote is going to count, they will stop voting. There is no alternative to full participation in our democracy, and for a true democracy, it is vital.

Please support the National Popular Vote bill in Alaska via HB 175!

Donna Braendel

Dear AK Legislature:

I am writing in support of the National Popular Vote bill HB 175.

I am a registered non-partisan and believe we have to rise above the current parties and current headlines and take the long view with this issue. Every single major election in the entire country - except the presidency - is decided with a "one person one vote" system, and I think it's time to extend this to the presidential race too.

I am a patriot and I believe in America and the American dream. For me, America's greatest strength is our commitment to democracy. I think it's time to "achieve a more perfect union" by allowing each citizen to have an equal say in electing the president. The advent of the electoral college has bent this part of our democracy and it's long past time to straighten it out. HB 175 is an efficient way to do so and I encourage you to support it.

I thank you for your time on this matter and your service to Alaska!

Malena Marvin

PO Box 1611

Petersburg, Alaska

907.957.1007

Dear Rep. Fansler,

Thank you so much for reviving the issue of the interstate compact for the National Popular Vote. I was a strong supporter of this legislation last time it was in the Alaska Legislature and remember well the Republican legislator from Minnesota who addressed the Alaska Legislature in support of the compact.

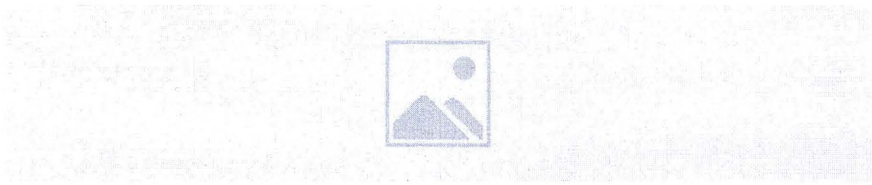
Time has sharpened the value of the interstate compact. The US is now in a position where a large disparity exists between the numbers of voters represented by the electoral votes in some states, such as California, and the numbers of voters per electoral college vote in other states. This is not fair.

The electoral college, a compromise for issues no longer relevant to the US, is no longer relevant. Electors do nothing more than reflect the "winner" in their states. But since this is weighted representation, we end up in situations such as in 2016 where the voted selection of millions of voters is disregarded. This has happened in both Democratic and Republican winning elections.

The interstate compact has the advantage of not needing to change the constitution, but the capability of achieving the result of fairness, a democratic idea we all support.

Sincerely,
Margo Waring

11380 NDH
Juneau, AK 99801



P.O. Box 101345, Anchorage, AK 99510-1345

March 16, 2017

Dear Representative Fansler and Members of the House State Affairs Committee:

The League of Women Voters of the United States (LWVUS) supports the use of the popular vote in the election of the President and Vice-President and supports the use of the National Popular Vote Compact as a way to achieve this goal until the electoral college can be abolished through an amendment to the Constitution. The Alaska League (LWVAK) agrees that every vote should count toward this most important election and therefore urges the passage of HB 175.

Historically the attendees at the Constitutional Convention struggled over the best method to elect the President. The end result was the use of electors from each state who would gather to pick the best possible candidate for the job. Today we have presidential elections still held with state electors who, in all but two states, are chosen in a winner-take-all contest; the candidate with the most popular votes in the state wins the total electoral vote count for that state. And with the rise of political parties, which George Washington warned against, the emphasis has shifted to winning rather than finding the best candidate.

The end result of the winner-take-all process of electing a president has several negative effects. In each state, those who voted for the candidate who did not win the state's popular vote find their votes lost in the counting because those votes go no further than the state line. Secondly, this loss of a counted vote for a national office leaves some elections in which the winner of the electoral vote loses the popular vote, leaving that President-elect with more citizens who voted against him/her than voted for him/her. This has happened five times in the history of the United States, including the 2016 election. Since 1988, when non-landslide elections increased in frequency, the ratio has been 2 elections in which the winner lost the popular vote out of the 8 elections held. This type of election result is more likely to increase in number given the trend toward non-landslide elections as the political parties retreat further from the center.

When voters know that their vote will actually count in the end result, they might be more interested in voting for President and Vice-President. The turnout for the 2016 election equaled about 60% of eligible voters. That means that approximately 27.6% of eligible voters elected the winner in 2016. When voters realize that if they live in a blue state and they support the red candidate and vice versa, they have less incentive to vote. In addition, there is the current feeling that only 11 or so "battleground" states actually matter in a presidential election, and campaign funds tend to flow to those states as well as candidate visits. Adopting the popular vote could increase voter turnout and give each voter's choice an equal opportunity.

Two of the League's purposes are to encourage voting and encourage an educated voting population. Given these principles, the League of Women Voters of Alaska strongly supports the passage of HB 175.

Sincerely,

Pat Redmond, President LWVAK
Judy Andree, Vice-President
Marianne Mills, Past-President
Gail Knobf, Secretary
Carol Dickason, Treasurer
Hetty Barthel, Director
Diane Mathisen, Director
Phyllis Tugman-Alexander, Director

The League of Women Voters is a nonpartisan political organization that encourages the informed and active participation of citizens in government and influences public policy through education and advocacy.

(Emailed by

Judy Andree
5985 Lund Street
Juneau, Alaska 99801
907-780-6767 (home)
907-321-1559 (cell))

Dear AK Legislature:

I support HB 175, the bill that would join Alaska to the interstate compact for a national popular vote.

I think "one person, one vote" has a great ring to it and would like to see the United States give equal weight to each citizen's vote when we vote for presidential candidates. All of our other elections use a "one person, one vote" democratic system - shouldn't the presidency be decided in the same way?

This is not a Republican or Democrat issue - it is one of achieving equal weight for each vote, a goal that has been supported by members of both parties.

Thanks for considering my comments.

Ceal Smith

Eagle River, AK 99577

Hello,

I'm writing to express my support for adding Alaska to the National Popular Vote Compact. As a constituent from Juneau, AK, I am very frustrated that my votes in National election pretty much get wasted as I know Alaska's electoral votes will always go red, no matter how I choose to vote. By joining the National Popular Vote Compact, I would feel that my vote counted.

Thank you,

Rebecca Gaguine, Juneau, AK 99801.

Committee Members,

It is important that every person's vote count & that the President of the United States of America be elected by a popular vote of the people not a quirk of the electoral college system. The person elected must have the most votes not the least votes. These are difficult times for any President; a President who has earned fewer votes, has fewer supporters which makes our country weaker and vulnerable.

Christine & Martin Niemi

Juneau, Alaska

Dear Members of the State Affairs Committee and Juneau Delegation,

I strongly support HB 175, ratifying an interstate compact to elect the President and Vice-President of the United States by national popular vote.

Please add passage of this bill during this Legislature to the other important priorities before you.

Regards,

Karla Hart

4950 Wren Drive

Juneau, AK 99801

I strongly support Alaska "National Popular Vote Bill" HB 175. Each citizen's vote should count in the most fundamental way. One Person - One Vote!

Thank you.

Connie Bennett

Anchorage/99503

Dear Committee Members:

I urge you to vote in favor of HB 175: the National Popular Vote Bill.

Sincerely, Santa

Santa Claus
North Pole, AK 99705-0122
907-388-3836
SantaClaus@USA.net

Good afternoon,
I'm writing today to share my support for HB 175 and to request voting in favor of it. The Electoral College is an antiquated system that no longer serves Alaskans. Under the Electoral College our individual votes truly don't count, which is the antithesis of a democracy. Please give Alaskans their voices back and vote yes on HB 175.
Thank you,
Alison Brehmer
8892 Duran St
Juneau, AK 99801
907-309-4974

I fully support HB 175 aka the National Popular Vote Bill. I vote every election and am so frustrated that my vote for President is almost always discarded (a 47 year Alaska resident with a liberal mentality in a historically Republican state). I would like my vote to count. Thank you.
Sincerely,
Elizabeth Chadene Krome
907.715.8807
Akkromes@gci.net

Please vote for Alaska to join the National Popular Vote Compact. Every voters ballot needs to be counted without an Electoral College.
Shirley Carlson
Member LWV

Economist Brad DeLong posted this after last November's election, and it seems to me that he is correct, a failure rate of one time out of every 10 is too high. Not to mention making us voters think that casting a ballot is futile, always a dangerous attitude in a democracy. Would you please include Dr. DeLong's brief comment in the testimony concerning this bill. Thank you.

Chris Prussing

4655 Thane Road

Juneau, AK 99801

The complete commentary from Dr. DeLong:

Hillary Rodham Clinton won the vote over Donald Trump. You can be terrified at the fact that she won the vote by such a narrow margin--and you should be. But when you say that on November 8, 2016 that Donald Trump and Trumpism won the vote, you are telling a lie: it now looks like Hillary Clinton is going to wind up with 1.4% more votes than Trump. Americans who voted chose Hillary Clinton over Donald Trump.

Why, then, is Trump the president-elect?

Because the electoral college failed. Again.

The United States has held 58 presidential elections. In six of them--Adams-Jefferson in 1800, Jackson-Quincy Adams in 1824, Tilden-Hayes in 1876, Cleveland-Harrison in 1888, Gore-Bush in 2000, and now Clinton-Trump in 2016--the winner of the popular vote has not become president.

That is a 10.3% failure rate.

That is unacceptably high.

Political democracy is not an especially good way of choosing technocratically competent leaders. Political democracy does not effectively guard against rent-seeking--rather, it guards against some kinds of rent-seeking but not others. You can say that a political democracy is unlikely to repeat a choice of a technocratically incompetent leader. You can say that aristocracies and oligarchies are more vulnerable than democracies to being captured for the particular form of rent-seeking that is carried out by a particular social caste that has preferential access to the levers of political control. But that is all you can say.

Choosing technocratically competent leaders and guarding against rent-seeking are not the reasons why democracy has an advantage.

Democracy has an advantage because it short circuits the process of coup or revolution to throw the bastards out by violent means. It short-circuits this process because it was the people--most

of the people who voted, that is--who put the bastards in. Thus the majority must blame itself before it starts looking for others to blame.

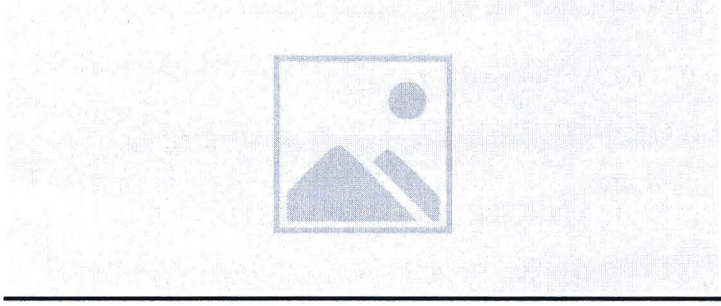
It is for this reason that it is very dangerous to have an institution that is a failure point in that it generates a non-majoritarian choice of leader in what is supposed to be a democracy.

A 10.6% chance of failure--and that is the rate of electoral college failure in the United States since its founding--is way to high.

So the big stories of last Tuesday are two:

1. Big Story: Hillary Rodham Clinton won the vote--more Americans chose her for their leader than chose Donald Trump.
2. Big Story: The electoral college failed to do its proper democratic job for the sixth time in 58 elections--and a 10.6% failure rate is much too high.

Anybody who does not focus on those two big stories is not being your friend



Representative Fansler,

I support HB 175 that would add Alaska to a compact of states who agree to have their state's Electoral College votes go to the winner of the national popular vote. I encourage you to support this bill. With passage of this bill, I would finally feel that my vote in Alaska counts. One person, one vote. The Electoral College is an archaic system that no longer serves a functioning role in the United States of America. When the popular vote chooses one candidate with ~ 3 million vote advantage and the electoral college sways the vote to the other candidate, we no longer have a democratic form of election. Please support this bill and encourage your fellow Representatives to follow suit.

Best Regards,

Patti Berkhahn
907 394-0008
39195 Coulter Ct.
Soldotna, AK 99669

Dear Representative Zach Fansler (D-Bethel),

Thank you for introducing Bill HB 175. I am strong support of your efforts to have the Alaskan Electoral College votes go to the winner of the national popular vote instead of how each individual state votes.

Keep up the efforts to pass this bill into law. You and others like you will make a difference in the future to ensure another scandal like the Republican 45 administration does not occur.

Respectfully-

Heather Szundy
Owner/CFO
Ascending Path Guide Service

I think HB1 75 is way overdue and I wish you the best of luck in getting it passed. We have to do something and this is a beginning.

Susan Royce
Sitka, Ak

Good morning,

I wanted to let you know that, as an Alaska resident, I stand behind you and the proposal for HB 175 100%! Please keep fighting the good fight! There is no reason each vote should not be counted equally, no matter where a person lives. Thank you for your hard work in a time of such need.

Kristin Summers
5706A Vosler Ave
JBER, AK 99506
207-239-8076

I whole heartedly support HB 175 .

Sincerely,

Khristy Herrington
3290 S Heritage Farm Road
Wasilla, AK 99654
907-841-8417

Rep. Fansler, I support HB 175 allowing Alaska's electoral votes to align with the national popular vote. I am a voting Alaskan who resides in Anchorage. Thank you for promoting this cause. Paula Sayler

---

Representative Zach Fansler,

Please help move us toward popular vote for president.

Thanks,
Conrad

--

Conrad E. Muller
326 4th St 509
Juneau, AK 99801

206 388-6053

I support this legislation and believe joining other states in awarding Electoral College votes to the winner of the national popular vote will create a more equitable, legitimate election process that encourages wide participation rather than disenfranchise minority party voters.

Thank you for advocating on behalf of this bill.

John Lamb

638 Gold Street

Juneau, AK

I support this legislation and believe joining other states in awarding Electoral College votes to the winner of the national popular vote will create a more equitable, legitimate election process that encourages wide participation rather than disenfranchise minority party voters.

Thank you for advocating on behalf of this bill.

John Lamb

638 Gold Street

Juneau, AK

I want Alaska to join the compact to award our Elector College votes for U. S. President to be based on the winner of the national popular vote rather than the electoral college vote. This means I am in favor of HB 175 which will be voted in front of the state legislature on Thursday, March 23, 2017.

Duane L. Howe

41640 Gladys Ct.

Homer, AK 99603

duhowe@alaska.net

I strongly support HB 175 to award out electoral College Votes
based on the Nations popular vote.
Helen Woodings, Palmer, AK

I am writing because I strongly support Alaska joining in the compact to award our Electoral college votes based on the winner of the national popular election vote.

Thank you very much for your efforts to make this happen.

Sincerely,

Libby Stortz,

215 Observatory

Sitka, Alaska 99835

I want to voice my support for HB 175. The only truly democratic way to win the Presidency is through winning the popular vote. Currently we have a strange system that does not honor everyone's vote. This bill creates a way for that to happen.I urge the legislature to pass this bill.

Marian Allen
829 Pherson Street
Sitka, AK 99835
907 738-1970

Dear Representative Zach Fansler,

Thank you so much for proposing HB 175 to make Alaska's electoral college votes go to the winner of the national popular vote! Bravo!

I hope to be proud of this legislation soon!

Sincerely,
Sarah Bean

1305 N. Smith Rd.
Palmer, Alaska 99645
(907)746-1087
(907)355-2094 cell

Dear representative Zach Fansler. I completely support your House Bill 175. This is why I support this bill. In a united country of many states, with very different life styles, have been divided by the electoral college. We no longer are a United States, we are a divided peoples. The minority ruling a Democratic Republic is NOT what our fore fathers envisioned when writing the constitution. This is why the constitution was written to give states the powers to govern. In our case approve this bill to fix our broken national election voting system.

If an election is held within a state for "local" decision, winner take all is the correct answer to the democratic vote. If a "national" election is held, IS it right to only count the winning votes of each state? Not in current times. The "Republic" representative number used to determine the number of chosen electorates is good because it gives small as well as large populations equal voice. In our case 3 electorates. But the winner take all of the "Democratic" vote has silenced sometimes virtually half the votes. As is the case in Alaska, and all states who still use the "winner take all" voting scheme. Yes I call it a scheme, because it is a way to silence votes on the national level. Thats precisely why all local votes for the national election must be counted on the state level. The electorates party votes will be determined by the percentage of votes as to how many electorates go to each party. For the 2016 election in Alaska it would have been 2 electorates to Trump, and one electorate to Clinton. That gives all votes a voice! Now the national electorate count can include that true reflection of the "Democratic" system voters voice, while retaining the integrity of the "Republic" electoral college for equality in population.

In this way the election brings our country closer by listening to all voters. This will eliminate the minority from ever ruling again.

P.S. To day I watched the supreme court justice hearing opening statements on C-Span2. The republicans continually drove the "majority rules" importance is a major factor in being a supreme court judge. In counter to those republican statements, we currently we are living in a minority rules government. That is wrong!

James Moberly
P.O. Box 872441 Wasilla AK. 99687
907-671-8196 cell

I support this bill!
From: Bee Tessum, a person that votes & lives in Anchorage.
bebetessum@gmail.com

As a 30 year Alaskan resident and voter, I am writing in support of HB175, which would join Alaska to the National Popular Vote compact. As we have seen in several recent elections, it is possible to win the electoral vote without winning the popular vote. I believe in the principle of "one person, one vote", not "winner take all". Everyone's vote should count. Please vote in favor of this bill.

Thank you,

Christine Everett
2308 Robinson Circle
North Pole, AK 99705

Dear Rep. Fansler-
I absolutely support HB 175 which insures presidential candidates would have to campaign more broadly. Alaska'e electoral votes should go to the miner of the popular votes.

Thank you-

Kay Gajewski

I fully support HB 175. This idea is long-overdue in a state where so many justify not voting in federal elections because, due to the time difference, they believe our votes do not count anyway. This bill will not only validate our votes, but will reconcile the travesty of a candidate winning the presidency without winning the popular vote. Thank you for introducing this bill.

Louise Dekreon-Watsjold

Eagle River

Thanks, Zach, for your work on this important proposal. The electoral college is discriminatory, outdated and unfair on its face. The League of Women Voters has supported this change since the seventies. It's time. Peggy Mullen, Soldotna

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Dear Representative Fansler,
I strongly support the bill adding Alaska to the compact of states who agree to have their state's electoral votes go to the winner of the national popular vote. It is a travesty that a candidate for President can win while losing the popular vote. In addition, the Electoral College system undermines participation in our democracy by making potential voters feel that their vote does not count.

Thank you,
Cindy Litman
--
Cindy Litman
715 Sawmill Creek Rd.
Sitka, AK 99835
530.574.3468

Dear Representative Fansler:

The Electoral College is no longer relevant. It deprives citizens of their right to vote. Our country was founded on the principle of no taxation without representation.

We no longer live in the 18th century. We have the technology to allow all registered voters to vote for the President of their choice. I urge you and your fellow representatives and senators to vote to require the electors to cast their votes for the winner of the popular vote.

Thank you.

Tasha M. Porcello

1503 West 31st Avenue, Suite 201

Anchorage, Alaska 99503

907 770 7750

Representative Fansler;

I fully support the effort to change our national election process to a 1 person-1vote, popular vote system. Thank you for your efforts.

Ken Petty
kenpetty@gci.net
216 S Sarah Circle
Palmer, AK. 99645
(907) 354-7758

The presidential election should be based on the popular vote not this outdated system of the electoral system. Too many people get disenfranchised with the electoral vote.

Christel Petty

I am supportive of doing away with the whole Electoral System. It obviously does not weed out unfit people becoming president – as it was intended. If this is a step in that direction, then I am supportive.

Debbie Hinchey
Anchorage
907-278-2814

Rep. Fansler, I support HB 175 allowing Alaska's electoral votes to align with the national popular vote. I am a voting Alaskan who resides in Anchorage. Thank you for promoting this cause. Paula Sayler

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Dear Representative Fransler,

I am writing to express my support for HB 175. I believe very strongly that our electoral process is distorted, not enhanced, by the electoral college. I would ideally like to see it done away with, but realize that is unlikely to fly. I think the proposed measure, HB 175, ensuring that electoral votes go to winner of the national popular vote is a good first step in the right direction.

All the best,

Kathryn Carovano

Anchorage, AK 99501

Rep. Fansler,

Please let the legislature know I'm supportive of letting the Alaska electoral votes go to the candidate who receives the most popular votes. I know the history of the electoral college and feel it's long overdue for changing. Let each persons vote count equally.
Jonna Naylor
375 E Chickaloon Way
Wasilla, AK. 99654
907-707-9751

Representative Fansler,
I am a registered voter living in Sitka, Alaska. I support the National Popular Vote 100%.
Twice in recent elections the presidential candidate who won the popular vote was denied the presidency due to the archaic and very undemocratic electoral college. This needs to change. It is very unfair and contrary to a true democracy that voters in some states carry more electoral weight than those in other states.
Patricia Hanson
Phanson@gci.net
Phone 907-957-2914
Address 800 Halibut Point Road, Unit I,
PO Box 6028
Sitka, Ak 99835

From: Deborah E Corral [mailto:dcorral@mtaonline.net]

Rep. Zach
Please help pass the National Popular Vote Bill!!!

The electoral college robs individuals of their vote. Make every vote count!

Thank you
Debbie

Gail Boerwinkle . Long time AK... I support HB175...Great solution.

Representative Fansler,

I want to let you know that I DO support HB 175 that would require our electoral votes to go to the popular winner of the presidential election in the future.

Regards,

Donna Madison

4135 Raspberry Rd

Anchorage, Alaska 99502

It is imperative to support the National Popular Vote Bill. It is overwhelmingly clear that elections can be bought and sold, and that candidates will cater to swing states, leaving states like Alaska in the cold. This must stop if America will continue to be considered a democracy.

A divided country may be brought together if the Electoral College in Alaska votes with the country's majority. Without question, what happened November 2016 must not be repeated.

Thank you,

Marlene Wagner

Petersburg, Alaska

Please vote in favor of HB 175 to award our Electoral College votes based on the winner of the national popular vote.

Thank you.

Barbara Farris

Anchorage, Alaska

I support each of our votes counting. After the lessons of past elections at many levels of government, there is an obvious need for reform. HB 175 is a good start. We are longtime Alaskans.

Thank you,

Gretchen Murphy

Fairbanks, AK

National Popular Vote
House Bill 175
Testimony of Nevada Legislative Counsel Bureau attorney Kevin Powers. Filed in support of passage of the National Popular Vote Compact.

In this Testimony and response to questions from the legislative committee, Kevin Powers discusses two important issues.
1) Would the NPV Compact violate Article 2, Section 1 of the US Constitution dealing with presidential electorates, and
2) Does the NPV Compact violate Article 1, Section 10 of the US Constitution known as the Interstate Compact Clause,

First, the Nevada Legislative Attorney determined that "each State DOES have the power to direct how its presendetial electors are appointed." (Powers Testimony at page 2). He concludes that passage of the NPV Compact does not violate Article 2, Section 1.
Next on the issue of the Compact Clause, Powers asked the question - "would the interstate (NPV) Compact be subject to congressional consent." (Id at Page 2)
Powers concludes that it is up to Congress to determine if Consent is needed prior to the Compact going into effect. Powers concludes that the Compact does not violate Article 1, Section 10 of the US Constitution. (Id at page 3)

This document is presented in support of passage of the National Popular Vote Compact in Alaska - House Bill 175, hearing before the Alaska House State Affairs Committee, Thursday, March 23, 2017 in Juneau, Alaska.

This testimony is transcribed from a legislative hearing conducted in the State of Nevada on 3/22/2017 concerning adoption of the NPV Compact in that state.

Begin STATEMENT OF Kevin Powers, Nevada Legislative Counsel Bureau Attorney

Kevin Powers: This office's view on the constitutionality of this proposed interstate compact. And what is becoming commonplace, is I have to warn you that this will require the committee's indulgence, because it will take me some time. . . . DISCLAIMER

With regard to this particular interstate compact, there's several issues that arise under the U.S. Constitution. One, as mentioned under Article 2, Section 1, that deals with presidential electors, and also under Article 1, Section 10, which is known as the Interstate Compact Clause
Before getting into each of those, though, it would be helpful if I provide a viewpoint as to how this office approaches a constitutional question, and determining whether or not a piece of legislation is constitutional, in our opinion.

First, obviously, we turn to the plain language of the Constitution. And then we also turn to see whether there's any judicial decision that interprets that plain language and is directly on point. If there's no judicial decision directly on point, then we have to turn to the rules of constitutional construction and ascertain the intent of the framers. And then ultimately we must come up with a determination whether or not this legislation is more likely than not constitutional.

Turning first to the presidential electors clause in Article 2, Section 1 of the U.S. Constitution,
In this case, the plain language provides that "Each states shall appoint in such manner as the legislature thereof may direct , a number of electors to elect the President of the United States

That language has been interpreted in a few U.S. Supreme Court cases, but none of those cases are directly on point, and specifically deal with the states in an interstate compact choosing their electors not from within their state and the result of their state election, but looking to outside the state, and evaluating the national popular vote. So in the absence of that directly on point case from the U.S. Supreme Court, or even any lower federal courts, we're left with the rules of constitutional construction and the intent of the framers, where you examine the history of the framing of the U.S. Constitution. The rules of constitutional construction require that the Constitution should not be read in isolation, but every part of the Constitution has to be read together and harmonized.

In addition, when the U.S. Supreme Court looks at the history underlying a constitutional provision, it analyzes the overall goal of the framers in putting together what was essentially a compromise among sovereign states, and to achieve that compromise there were tradeoffs between smaller states and large states to achieve ultimately a consensus to form what is now the U.S. Constitution.

Taking all of that into consideration, we finally must analyze all of that using the presumption of constitutionality, and that presumption is that every statute enjoys a presumption of constitutionality and it will be declared invalid only if it clearly violates the Constitution.

So, with all of that in mind, it's the opinion of this office, with regard to Article 2, Section 1 and the presidential electors 'clause, that each state DOES have the power to direct how its presidential electors are appointed. And then, in the absence of any directly on point U.S. Supreme Court case telling us the states CANNOT look outside of their state to exercise their power of appointment under Article 2, Section 1, we must fall back on the presumption of constitutionality. And therefore it is the opinion of this office, that in the absence of such direct judicial precedent, this legislation is more likely than not, constitutional under Article 2, Section 1 of the United States Constitution.

Turning then to the Compact Clause, in Article 1, Section 10. That provides no state shall without the consent of congress enter into any agreement or compact with another state.

On its face, it seems to apply to every agreement or contract between the states, but in fact, it does not, as interpreted by the U.S. Supreme Court. It only applies to those contracts between states or interstate agreements which tend to increase the political power of a state at the expense of federal supremacy, or which otherwise affect negatively the federal sphere. This is another area where we simply don't have a federal case directly on point and the presumption of constitutionality would come into play. The threshold question is, would this interstate compact be subject to congressional consent. Based on the nature of the interstate compact, there's controversy out there and disagreement among legal commentators and professors of law and others as to whether or not this compact would in fact be subject to the congressional consent provision of the Compact Clause. Assuming that it is, then, of course, it would be up to Congress to determine whether or not to approve the interstate compact. Even if Congress did approve the interstate compact, you'd still have the Article 2, Section 1 U.S. constitutional issue, so the Compact Clause issue wouldn't entirely resolve the constitutional question.

Ultimately, though, again, in the absence of U.S. Supreme Court cases directly on point, we must fall back to the presumption of constitutionality. So, it is the opinion of this office that this piece of legislation is more likely than not constitutional in the absence of any other contradictory judicial precedent on this particular issue.

Anderson: I've heard the 12th Amendment referenced twice, and as far as I know, that's just the procedures for the Electoral College itself, not how states award electors. Can you comment as to the applicability of the 12th Amendment, because we've heard that several times today.

Powers: That you Mr. Anderson. And you are correct. The provision dealing with the power of the legislature to appoint in such manner as the legislature may direct the electors, remains in Article 2, Section 1 of the U.S. Constitution. The parts of Article 2, Section 1 that were replaced by the 12thAmendment are beyond that in the section, and as you said, it governs the procedure once the states have appointed and selected their electors thereafter. So the 12th Amendment is not directly applicable here. It's Article 2, Section 1of the United States Constitution.

While I have the mike, Madam Chair, I'm going to indulge one other thing. It's a statutory legal issue, so therefore I believe it is appropriate to address.

The individuals testifying mentioned there will no longer be a process for selecting electors in the law, if this compact is enacted. That is actually incorrect. Although this bill amends parts of chapter 298 of NRS, it does not amend every section of Chapter298 or NRS So those sections will remain in place. In particular NRS 298.035 provides for the selection of nominees and alternates for presidential electors by the major and minor political parties and the independent candidates. So the process in the state for selecting who are the electors

will remain the same even if this piece of legislation is passed by the legislature. So that process will still be in place.

In addition this bill adjusts the Uniform Faithful Presidential Electors Act. And in this case, the persons who are then become electors, under this bill, have a duty to sign a pledge that they will vote according to the presidential slate who wins the national popular vote. So, that is also addressed in this legislation. In particular in the amendment in the bill in section 3 to NRS 298.045. (Nevada Legislation)

HB 175 Letters of Support/Opposition

Name	Date Received	Type	Page
Judy Williams	3-15-17	Support	2
Naomi Davidson	3-15-17	Support	2
Donna Braendel	3-15-17	Support	2
Malena Marvin	3-15-17	Support	2-3
Margo Waring	3-15-17	Support	3

The electoral college has completely outlived its usefulness. Because it's broken, citizens' votes don't count with full and equal weight. Never has that been more apparent than in the 2016 election. If people don't feel their vote is going to count, they'll stop voting. There is no alternative to full participation in our democracy. Without the knowledge that our votes count, our democracy will fall apart. You can already see that happening.

Please support the National Popular Vote bill in Alaska via HB 175!

Judy Williams
Eagle River, AK

The electoral college has completely outlived its usefulness. Because it's broken, citizens' votes don't count with full and equal weight. Never has that been more apparent than in the 2016 election. If people don't feel their vote is going to count, they'll stop voting. There is no alternative to full participation in our democracy. Without the knowledge that our votes count, our democracy will fall apart. You can already see that happening.

Please support the National Popular Vote bill in Alaska via HB 175!

Thank you,

Naomi Davidson

Juneau 99801

Please support HB 175

Every person's vote should count regardless of what state they live in. If their vote doesn't count, and in the Electoral College system it may not, there is no representation. If people don't feel their vote is going to count, they will stop voting. There is no alternative to full participation in our democracy, and for a true democracy, it is vital.

Please support the National Popular Vote bill in Alaska via HB 175!

Donna Braendel

Dear AK Legislature:

I am writing in support of the National Popular Vote bill HB 175.

I am a registered non-partisan and believe we have to rise above the current parties and current headlines and take the long view with this issue. Every single major election in the entire country -

except the presidency - is decided with a "one person one vote" system, and I think it's time to extend this to the presidential race too.

I am a patriot and I believe in America and the American dream. For me, America's greatest strength is our commitment to democracy. I think it's time to "achieve a more perfect union" by allowing each citizen to have an equal say in electing the president. The advent of the electoral college has bent this part of our democracy and it's long past time to straighten it out. HB 175 is an efficient way to do so and I encourage you to support it.

I thank you for your time on this matter and your service to Alaska!

Malena Marvin

PO Box 1611

Petersburg, Alaska

907.957.1007

Dear Rep. Fansler,

Thank you so much for reviving the issue of the interstate compact for the National Popular Vote. I was a strong supporter of this legislation last time it was in the Alaska Legislature and remember well the Republican legislator from Minnesota who addressed the Alaska Legislature in support of the compact.

Time has sharpened the value of the interstate compact. The US is now in a position where a large disparity exists between the numbers of voters represented by the electoral votes in some states, such as California, and the numbers of voters per electoral college vote in other states. This is not fair.

The electoral college, a compromise for issues no longer relevant to the US, is no longer relevant. Electors do nothing more than reflect the "winner" in their states. But since this is weighted representation, we end up in situations such as in 2016 where the voted selection of millions of voters is disregarded. This has happened in both Democratic and Republican winning elections.

The interstate compact has the advantage of not needing to change the constitution, but the capability of achieving the result of fairness, a democratic idea we all support.

Sincerely,
Margo Waring

11380 NDH
Juneau, AK 99801
