

SENATE BILL NO. 61

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY SENATORS WIELECHOWSKI, Gray-Jackson

Introduced: 2/7/23

Referred: Judiciary, State Affairs

A BILL

FOR AN ACT ENTITLED

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

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 15.20.530 is amended to read:

7 **Sec. 15.20.530. Determination of tie votes.** Except as provided in (b) of this
8 section, if, [IF] after a recount and appeal, two or more candidates tie in having the
9 highest number of votes for the same office, the director shall notify the candidates
10 who are tied. The director shall notify the candidates of a reasonably suitable time and
11 place to determine the successful candidate by lot. After the determination has been
12 made by lot, the director shall so certify.

13 * **Sec. 2.** AS 15.20.530 is amended by adding a new subsection to read:

14 (b) The director may not determine the election of presidential electors by lot

1 when the provisions of art. III of the Agreement Among the States to Elect the
2 President by National Popular Vote set out in AS 15.30.104 apply.

3 * **Sec. 3.** AS 15.30.010 is amended to read:

4 **Sec. 15.30.010. Selection [PROVISION FOR SELECTION] of electors.**
5 **Except as provided in (b) of this section, electors** [ELECTORS] of President and
6 **Vice-President** [VICE PRESIDENT] of the United States are selected by election at
7 the general election in presidential election years, in the manner and as determined by
8 the ranked-choice method of tabulating votes described in AS 15.15.350 - 15.15.370.

9 * **Sec. 4.** AS 15.30.010 is amended by adding new subsections to read:

10 (b) When the provisions of art. III of the Agreement Among the States to Elect
11 the President by National Popular Vote set out in AS 15.30.104 apply to determine the
12 election of presidential electors,

13 (1) the votes cast in this state for electors of President and Vice-
14 President of the United States at the general election in presidential election years shall
15 be tabulated by the ranked-choice method of tabulating votes described in
16 AS 15.15.350 - 15.15.370;

17 (2) the final determination of the presidential vote count reported and
18 certified to the member states as provided under clause 4 of art. III of the Agreement
19 Among the States to Elect the President by National Popular Vote set out in
20 AS 15.30.104 and the presidential vote count reported and certified in this state shall
21 be the final round of votes received by each presidential slate that received votes in the
22 final round of statewide ranked-choice method tabulation;

23 (3) the electors of President and Vice-President of the United States
24 are selected as provided under AS 15.30.104.

25 (c) In this section, "presidential slate" has the meaning given in AS 15.30.104.

26 * **Sec. 5.** AS 15.30.060 is amended to read:

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

31 * **Sec. 6.** AS 15.30.060 is amended by adding a new subsection to read:

1 (b) When the provisions of art. III of the Agreement Among the States to Elect
 2 the President by National Popular Vote set out in AS 15.30.104 apply to determine the
 3 election of presidential electors, this subsection applies and the provisions of (a) of
 4 this section do not apply. If this subsection applies, notwithstanding AS 15.15.450,
 5 mandating that the director provide a certificate of election to the candidate receiving
 6 the largest number of votes, the director shall send a certificate of election to each
 7 elector determined under AS 15.30.104 and shall notify the electors of the time and
 8 place of their meeting and their duties as electors.

9 * **Sec. 7.** AS 15.30.090 is amended to read:

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

19 * **Sec. 8.** AS 15.30.090 is amended by adding a new subsection to read:

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

29 * **Sec. 9.** AS 15.30 is amended by adding new sections to read:

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

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

6 ARTICLE I. MEMBERSHIP

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

9 ARTICLE II. RIGHT OF THE PEOPLE IN MEMBER STATES TO VOTE FOR 10 PRESIDENT AND VICE-PRESIDENT

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

13 ARTICLE III. MANNER OF APPOINTING PRESIDENTIAL ELECTORS IN MEMBER 14 STATES

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

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

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

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

31 The chief election official of each member state shall treat as conclusive an

1 official statement containing the number of popular votes in a state for each
2 presidential slate made by the day established by federal law for making a state's final
3 determination conclusive as to the counting of electoral votes by Congress.

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

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

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

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

19 ARTICLE IV. OTHER PROVISIONS

20 This agreement shall take effect when states cumulatively possessing a
21 majority of the electoral votes have enacted this agreement in substantially the same
22 form and the enactments by such states have taken effect in each state.

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

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

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

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

3 ARTICLE V. DEFINITIONS

4 For the purposes of this agreement,

5 (A) "Chief election official" shall mean the state official or
6 body that is authorized to certify the total number of popular votes for each
7 presidential slate;

8 (B) "Chief executive" shall mean the Governor of a State of the
9 United States or the Mayor of the District of Columbia;

10 (C) "Elector slate" shall mean a slate of candidates who have
11 been nominated in a state for the position of presidential elector in association
12 with a presidential slate;

13 (D) "Presidential elector" shall mean an elector for President
14 and Vice-President of the United States;

15 (E) "Presidential elector certifying official" shall mean the state
16 official or body that is authorized to certify the appointment of the state's
17 presidential electors;

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

24 (G) "State" shall mean a state of the United States and the
25 District of Columbia; and

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

29 **Sec. 15.30.106. Implementation of agreement.** In AS 15.30.104, "chief
30 election official" means the director of the division or other person appointed under
31 this title to serve as the chief election official of the state.

1 **Sec. 15.30.108. Supremacy.** If art. III of the Agreement Among the States to
2 Elect the President by National Popular Vote in AS 15.30.104 applies to determine the
3 election of presidential electors, the provisions of the agreement in AS 15.30.104 take
4 precedence over a conflicting state statute or regulation.