

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Eightieth Session
February 26, 2019**

The Committee on Legislative Operations and Elections was called to order by Chair Sandra Jauregui at 4:02 p.m. on Tuesday, February 26, 2019, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Sandra Jauregui, Chair
Assemblyman Ozzie Fumo, Vice Chair
Assemblyman Skip Daly
Assemblyman Glen Leavitt
Assemblyman William McCurdy II
Assemblywoman Brittney Miller
Assemblywoman Daniele Monroe-Moreno
Assemblyman Tom Roberts
Assemblywoman Selena Torres

COMMITTEE MEMBERS ABSENT:

Assemblyman John Hambrick (excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Tyrone Thompson, Assembly District No. 17
Assemblywoman Shannon Bilbray-Axelrod, Assembly District No. 34
Senator James Ohrenschall, Senate District No. 21

STAFF MEMBERS PRESENT:

Carol Stonefield, Committee Policy Analyst
Kevin Powers, Committee Counsel
Christopher Roske, Committee Manager
Catherine Bodenstein, Committee Secretary
Melissa Loomis, Committee Assistant



OTHERS PRESENT:

Barry Fadem, President, National Popular Vote, Mountain View, California
Megan Ortiz, Legislative Assistant, American Civil Liberties Union of Nevada
Natha C. Anderson, representing Nevada State Education Association
Steven Horner, Private Citizen, Las Vegas, Nevada
Maria-Teresa Liebermann, Deputy Director, Battle Born Progress
Daryl Elliott, Private Citizen, Las Vegas, Nevada
Doug Goodman, Founder and Executive Director, Nevadans for Election Reform
Molly Rose Lewis, Private Citizen, Reno, Nevada
Laura Hale, Private Citizen, Carson City, Nevada
Sondra Cosgrove, President, League of Women Voters of Nevada
Jean Melby-Mauer, representing Paradise Las Vegas Indivisible
Ed Gonzalez, Private Citizen, Henderson, Nevada
Mary Richardson, representing Indivisible Northern Nevada
Greg Gardella, Private Citizen, Reno, Nevada
William Kramer, Private Citizen, Reno, Nevada
Joy Viselli, Private Citizen, Reno, Nevada
Gwen Hunter, Private Citizen, Reno, Nevada
Jean Laird, Co-President, League of Women Voters of Northern Nevada
Vivian Leal, representing Indivisible Northern Nevada
Trent England, Executive Vice President, Oklahoma Council of Public Affairs,
Oklahoma City, Oklahoma
Janine Hansen, State President, Nevada Families for Freedom; and Constitutional
Issues Chairman, Eagle Forum
Mary Porter, Private Citizen, Gardnerville, Nevada
Anthony C. Palmer, Private Citizen, Henderson, Nevada
John Colaw, Private Citizen, Las Vegas, Nevada
Denise Mraz, Private Citizen, Las Vegas, Nevada
Jim DeGraffenreid, Vice Chairman, Nevada Republican Party
Diane Baranowski, President, Nevada Federation of Republican Women
Juanita Cox, President, Nevada Republican Assembly; and representing Citizens in
Action
Jim Salle, Private Citizen, Las Vegas, Nevada
Debbie Miller-Joseph, Legislative Chair, Active Republican Women
Linda Buckardt, Private Citizen, Las Vegas, Nevada
Bob Russo, Private Citizen, Gardnerville, Nevada
Maurice White, Private Citizen, Carson City, Nevada
Jim Hindle, Private Citizen, Virginia City, Nevada
Daphne Lee, Private Citizen, Las Vegas, Nevada
Renee Bormahn, Private Citizen, Henderson, Nevada
Lynn Chapman, Treasurer, Independent American Party of Nevada
Starla Doughty, Private Citizen, Gardnerville, Nevada
Theresa DeGraffenreid, Private Citizen, Gardnerville, Nevada
Janet Freixas, Private Citizen, Minden, Nevada

Julie Moore, Private Citizen, Gardnerville, Nevada
Shawn Meehan, Founder, Guard the Constitution Project
James Falk, Private Citizen, Fallon, Nevada

Chair Jauregui:

[Roll was called and Committee protocols were explained.] Welcome to the Assembly Committee on Legislative Operations and Elections. Today we will be hearing Assembly Bill 186.

Assembly Bill 186: Makes various changes related to elections. (BDR 24-678)

Assembly Bill 186 is a proposal to adopt the agreement among the states to elect the President of the United States by national popular vote. I am glad to see so many people here in Carson City and also those who are joining us in Las Vegas. As you know, we must approach this hearing in an orderly manner. I want to provide the sponsor adequate time to present the provisions of this bill and his reasons for proposing them. I also want to allow time for any witnesses that he has invited to speak. That means that it is not possible for everyone in the audience to speak at length either in support, opposition, or neutral. In order to ensure that everyone present has the opportunity to address the Committee, I am limiting speakers who are here in support, opposition, or neutral to two minutes.

However, we are interested in your views. In fact, you can make your views known to the Committee and for the record in the following ways: On the sign-in sheet, you should indicate if you support or oppose the bill. This will be part of the permanent record. I might add that if someone who testifies ahead of you makes the point or argument that you intend to make, it is sufficient for you to simply state your name and say that you support or oppose. You can also go to the Legislature's website and click on "Share Your Opinion on Bills." This is a place where you can enter your views, and these will be forwarded to my office. If you have trouble with that link, just call my office and my staff assistant will assist you. You can also send your written comments to me, and I will see that they are entered into the record. Finally, you can contact individual legislators and make your views known to them. They represent you and should consider your views when they vote on issues. Following the presentation by the sponsor, I will remind everyone that I will allocate equal time to proponents, opponents, and those in neutral.

I will open the hearing on Assembly Bill 186. This is the proposal to elect the President of the United States by national popular vote.

Assemblyman Tyrone Thompson, Assembly District No. 17:

I am the proud Assemblyman from the growing city of North Las Vegas, a community in which I was born and raised. Today I am honored to present Assembly Bill 186, which enacts the agreement among the states to elect the President of the United States by national

popular vote. Joining me at the witness table is my colleague and educator, Assemblywoman Brittney Miller, who has her own unique experience which has brought her to support A.B. 186 and to serve as a primary sponsor. I also have with me Mr. Barry Fadem. He is the president of National Popular Vote and he will be here to answer any further technical questions regarding the proposed legislation.

I want to start off by giving a framework for the bill. In North Las Vegas, when I turned 16 years old, the thing that was very exciting was getting my driver's license. I wanted to make sure that I could have my driver's license. Believe it or not, at 16 I really wanted to work and was able to work at that point in time. Two years later, when I turned 18 years old, the thing that was extremely important to me was the ability to exercise my right to vote. One thing I really enjoy about working with the youth in my community is hearing those who are close to the age of 18 and getting ready to vote, and those who are already 18 years old, telling me, "Mr. Thompson, we just want to make sure that our vote counts." This proposed piece of legislation before you will ensure that every Nevadan will know that his or her vote matters and counts in the election of the President of the United States of America.

I also want you all to know that we have 514,000 elected officials in the United States of America. Each and every one of them is elected by the popular vote of the people except for one, and that is the President of the United States. How and who should elect the President of the United States is a leadership issue that constitutionally is reserved for state legislatures. The *United States Constitution*, Article II, Section 1, gives states exclusive control over awarding their electoral votes.

There are many examples throughout history where states have been the leader on determining the method of electing the President of the United States. For example, it was not until 1872 that all of the citizens of the United States could actually cast a ballot for the President of the United States. It was state legislatures that ended that practice. Also, it was not until 1855 that wealth qualifications to vote for President were eliminated by state legislative action, again, allowing more people to vote and not based on their class and/or their social status. African Americans were given the right to vote on a state-by-state basis before the federal government took action. Lastly, but importantly, women were given the right to vote in 30 state legislatures before the federal government granted them the right to vote.

In our modern society, all Nevadans have the ability to make well-informed decisions on who should be elected President, just as they do for those who are elected to this body and to represent them in the United States House of Representatives and Senate, et cetera. Accordingly, every vote should matter for whom we elect as President, just as it does for every other office. Assembly Bill 186 both assures this important goal and respects the federalism concepts the founders engrained in the *United States Constitution* regarding a state's autonomy to determine the role its citizens play in the selection of the President of the United States. I want to be clear that this bill is not about partisanship, but a need for our voters, current and future, to feel and know that their vote matters in arguably the most important vote they will cast every four years.

I want to walk the Committee through the elements of the legislation, if you will follow along in the bill. Assembly Bill 186 is an interstate compact, much like the Colorado River Compact and dozens of other major compacts that Nevada is a part of. Under the National Popular Vote Interstate Compact, all electoral votes from the enacting states would be awarded to the presidential candidate who receives the most popular votes in all 50 states as well as the District of Columbia. The legislation would take effect only when enacted by states possessing a majority of the electoral votes, meaning enough electoral votes to elect the President. Should this body adopt A.B. 186, Nevada will join a quickly growing list of states that have chosen to compact together to allocate their electoral votes to the winner of the national popular vote and presidential elections. Twelve jurisdictions have entered into the National Popular Vote Interstate Compact. In fact, the Colorado legislature passed the compact in both houses just last week. With Colorado, the 13 jurisdictions that have already enacted the bill possess 181 electoral votes. The National Popular Vote Interstate Compact will come into effect when approved by states possessing 270 electoral votes. Thus, 89 more electoral votes are needed. Should Nevada join the pact, we would add our six electoral votes which would then close the gap and we would need 83 more electoral votes.

Assembly Bill 186 does not—and I really want to stress this—eliminate the Electoral College. This is far from eliminating it. Assembly Bill 186 preserves the Electoral College. The legislation would merely be a decision of this body that the electoral votes should be allocated to the winner of the most national popular votes for President of the United States. Assembly Bill 186 does not bind future generations of Nevadans. As an interstate compact, Nevada would have the complete ability to reconsider its participation in the compact in the future. As states throughout the nation have historically changed how to allocate electoral votes, so could Nevada should it decide this compact does not serve the voters of Nevada at that point. In short, A.B. 186 assures that every vote matters. For my constituents, this is an important final step in ensuring that their voices are heard in the election of the President of the United States. At this time, I would like to yield to my colleague, Assemblywoman Brittney Miller.

Assemblywoman Miller, Assembly District No. 5:

I am here to share my experience from the other end—as an educator having to teach this to students. I became a teacher a few years ago. I taught fifth grade. This is one of the standards for fifth grade—to teach not just elections, but how we elect the President. I need everyone to put their mind-set into the mind-set of a 10- or 11-year-old. Remember how they are very literal: everything is very cut and dried; and it is what it is. It turned out to be a fantastic lesson.

I begin every lesson with civics or government or social studies with this tagline: "I am going to teach you stuff not even your parents know." Right away, I have a captive audience. During the lesson, I even say something like: I guarantee that you can go to 7-Eleven, poll everyone who walks in the door, and only one person, maybe, would be able to explain this to you.

Monday morning when I came into school, I had about 12 students running up to the door with clipboards because they could not wait to tell me. They had taken what I had said—as just a remark—literally. They went to the 7-Eleven on the corner; they stood there and polled everyone who walked in. They said, "Ms. Miller, you were right." Just as I had said, there was a category of people—and the students had all the tally sheets—who said they had heard of it, but they could not explain it. Then there was the other group of people who—when it came to the process—shared that they had never heard of the Electoral College. Yet there was one gentleman who could actually explain what it was to them.

This lesson also included my sharing that sometimes the person who actually wins the most votes does not win the presidency which, again, makes absolutely no sense to kids. Because of points, math, and games, this does not make sense. How can the person who earned the most points not win? I had about five seconds to figure out how I was going to explain this to 10- and 11-year-olds for them to grasp this concept.

These were fifth graders and we had a graduation party coming up. I said, Suppose the principal says we are going to have either pizza or tacos for the fifth-grade graduation party, but as the principal I am not going to ask every individual fifth grader. So teachers, I need you to have the students in your classes vote for what they want, either pizza or tacos, and then come back to me and let me know what the classes decide. We went ahead and we took the vote.

You can see what happened in the three fifth-grade classes [page 2, ([Exhibit C](#))]. I said to the students, "Say these are our results." The students went through and they understood that in Ms. Miller's class, pizza won. In Jones' class, tacos won. In Smith's class, pizza won. I asked the students what they thought the principal was going to serve for the party. All the kids were convinced that they were obviously going to have pizza because pizza won [page 3]. I asked them if this was a fair way, a good process. They said yes and that it made sense. Everybody voted and pizza won.

Then I told the students to go ahead and count up the votes. At this point—and this in education is what we call an "aha moment." Everyone in the room was outraged because they understood and all the students got it. They started jumping up and down because they realized that the one that actually got the most votes was the tacos [page 5].

What came from that was this huge discussion by the students about how that is not fair and does not make sense. That is like the votes did not even count and how come all the votes did not matter? How come pizza won when tacos actually got the most votes [page 6]? I decided that this lesson was an effective lesson and taught it like this for the subsequent four years. It was always the same sentiment every time. For the students with their literal understanding, that just did not make sense: all votes were not counted.

Anecdotally, in my experience of teaching this to 10- and 11-year-olds, they do believe that for every student in every class, every vote for pizza or tacos should matter and should be equal. Therefore, I would say that my fifth-grade students believe that the popular vote is the best way to determine if we should have pizza or tacos.

Barry Fadem, President, National Popular Vote, Mountain View, California:

I have had the privilege of being president of National Popular Vote since 2005. National Popular Vote is a nonprofit organization established to support the proposal that is before you today, a proposal that would guarantee that whichever presidential candidate receives the most votes in all 50 states and the District of Colombia is guaranteed to be elected President.

Assemblyman Thompson did a really good job of presenting how the compact works. I want to emphasize one other point, which is the National Popular Vote Interstate Compact is based on two provisions of the *United States Constitution*. The first that we have already discussed is Article II, Section 1, which gives you, the state legislators, the exclusive right to determine how to award electoral votes. The question for you is: What is in the best interest of the voters of Nevada in awarding electoral votes? Some states have changed how they award electoral votes many times. The state of Massachusetts changed how it awards electoral votes 11 times during its history of adopting the national popular vote in 2010.

The second provision of the *U.S. Constitution* that Assemblyman Thompson referred to is the power to enter into agreements with other states. Nevada is in a bunch of interstate compacts. I am sure you all participated in them. Those are the two provisions that allow the National Popular Vote Interstate Compact to exist.

I know you are going to hear some testimony today from folks who may say, Well, why do a federal constitutional amendment to abolish the Electoral College and accomplish national popular vote? I just want to give you something to think about. The power to award these electoral votes by you, the state legislators, is one of the most important rights given to you by the Founding Fathers. If you were to abolish the Electoral College, you would give up Nevada's control over the awarding of the electoral votes and give up the power you maintain now.

Secondly, when the first national popular vote election is held for the first possible time, maybe in 2024, the voters are going to have the opportunity to make known their views on how the national popular vote has existed and prospered by the type of turnout we would get. If there is some unintended consequence in the National Popular Vote Interstate Compact and after the first national popular vote election voters say, No, go back to the old system, the Legislature could convene, withdraw from the compact, and Nevada would go back to the way we are conducting the elections today. To abolish the Electoral College would take away a very important right granted to you by the Founding Fathers. For that reason, the Founding Fathers did give you the tools to accomplish national popular vote through an interstate compact, and that is why we think it is a much better way of accomplishing this goal.

One update: Assemblyman Thompson made reference to the fact that the state of Colorado passed the National Popular Vote Interstate Compact this week, taking us to 181 electoral votes. In addition, two weeks ago the House of Representatives in New Mexico passed the compact. In Maine and Oregon, there are hearings occurring this week. There is a lot of action on national popular vote throughout the country.

Assemblyman Thompson:

Madam Chair, that concludes our presentation.

Chair Jauregui:

Does the Committee have any questions for our presenters?

Assemblyman Roberts:

My question is not necessarily for the presenters, but for a legal opinion from legal counsel. I have received several emails. I think you covered a little bit of it in your presentation, but I have received a ton of emails regarding the unconstitutionality. Is this constitutional? Could you just explain it?

Kevin Powers, Committee Counsel:

As you know, the Legislative Counsel Bureau's Legal Division is a nonpartisan state agency. We do not support or oppose any particular piece of legislation, viewpoint, or policy. However, we do provide the Legislature and its members objective legal analysis and advice on issues of law, including the potential constitutionality of legislation.

With regard to the agreement of the states to have a national popular vote, this is a proposed interstate compact, as was mentioned in the testimony. The two primary constitutional issues that arise fall under the presidential electors clause in Article II, Section 1 and the interstate compact clause under Article I, Section 10 of the *U.S. Constitution*. In order to explain this office's legal opinion, we are going to have to address each of those constitutional provisions separately.

Before turning to those constitutional provisions, however, I think it is important to explain how this office approaches this constitutional question. Our goal, as legal counsel to the Legislature, is to determine whether or not legislation is more likely than not constitutional. To arrive at that, we follow a series of steps to determine the constitutionality of legislation. First, we start with the presumption of constitutionality. Every statute is presumed to be constitutional unless it is clearly and palpably in violation of the *United States Constitution* or, if the state *Constitution* is involved, in violation of the state *Constitution*. In this case, we are only dealing with the *U.S. Constitution*.

With that presumption in mind, we then approach the plain language of the constitutional provision and we determine whether the plain language solves the constitutional problem. We also determine if there are any judicial decisions that interpret that plain language and if those judicial decisions are directly on point. Without that judicial decision directly on point, we then apply the rules of constitutional construction to ascertain the intent of the framers.

We look at the Constitutional Convention. We look at the practical construction and application of the constitutional provision following its enactment, and we also apply the rules of constitutional construction to ultimately determine the intent of the framers and whether the framers would intend a piece of legislation like this to be consistent with the *U.S. Constitution*. Ultimately, the question, when we do not have a judicial case directly on point, is whether the proposed legislation violates the intent of the framers or the spirit of the constitutional provision.

With that background in mind, we then turn to the first provision involved: the presidential electors clause. That clause provides that "Each State shall appoint, in such manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives" in Congress that that state is entitled to. In an 1892 case, the United States Supreme Court stated in *McPherson v. Blacker*, 146 U.S. 1 (1892)—that this provision gives each state plenary power to appoint its electors. Plenary power is generally absolute or unqualified power. However, that power cannot violate the spirit of the constitutional provision or the intent of the framers. It does give the Legislature broad power to appoint the electors. However, that power can be exercised in a manner that is unconstitutional. For example, if the Legislature were to enact a law that appointed the state's presidential electors based on the amount of money a political party donated to the state treasury, I think we would all agree that would violate the spirit of the *U.S. Constitution* because selling presidential electors to the highest bidder is obviously offensive to what the framers were trying to accomplish. Although the Legislature has plenary power, it is restricted by the concept of the intent of the framers.

In addition, there are other provisions of the *U.S. Constitution*. For example, if the Legislature passed a law limiting the electors to a certain race, religion, or creed, obviously there would be plenary power to adopt that legislation, but that would offend other provisions of the *U.S. Constitution*. The point of this is to illustrate that although the Legislature's power is broad under the presidential electors clause, it is not completely unlimited.

With that spectrum in mind, the question becomes, Does this agreement fall within the intent of the framers, or does it fall outside the intent of the framers and violate the spirit of the provision? Without a case directly on point, it is the opinion of this office that with the presumption of constitutionality in play, this legislation is more likely than not constitutional because it must be presumed constitutional. One thing the U.S. Supreme Court has said is that the states are laboratories for experiments in political democracy. So the reason the presumption of constitutionality exists is so that states will take untested political theories and put them into practice. It is true that this proposed interstate agreement is untested, but that does not mean it is unconstitutional. What it means is that the states are entitled to a presumption of constitutionality so if they enter into this agreement, until a court determines otherwise, we must presume that the legislation is constitutional. For purposes of Article II, Section 1 in the presidential electors clause, it is the opinion of this office that this legislation is more likely than not constitutional.

That was only one fork of the constitutional analysis we have to go through. The next fork is the interstate compact clause. The interstate compact clause in Article I, Section 10 of the *U.S. Constitution* provides that "No State shall, without the Consent of Congress . . . enter into any Agreement or Compact with another State." That seems like broad, absolute language, but the U.S. Supreme Court has interpreted this to apply only to certain types of interstate agreements and only those that tend to increase the political power of the states at the expense of federal supremacy or those that would negatively affect the federal sphere. That is the standard under the interstate compact clause. It is the opinion of this office that as presently constructed, this agreement does not, more likely than not, offend the interstate compact clause because the agreement does not necessarily encroach on the federal sphere or negatively impact the operation of federal government, given the state's political supremacy over the federal government. Again, we do not have a judicial decision directly on point with this type of interstate agreement, but it is our belief, with the presumption of constitutionality, that it is more likely than not constitutional.

There is one thing we should emphasize with the interstate compact clause. If the agreement falls out of the interstate compact clause, then it does not need congressional approval. However, if the agreement does fall within the interstate compact clause, it needs congressional approval. However, Congress can provide that approval after the states enter into the agreement. The states are free to pass this legislation, enter into this agreement, and if it is also determined that Congress has to approve it, Congress is free to approve it at any time after the states have entered into the agreement. Even if the states enter into an agreement and one congress decides not to approve it, it does not reject the agreement. Any future congress could approve the agreement under the interstate compact clause.

Madam Chair, thank you for indulging me in providing that lengthy explanation. In the end, based on presumption of constitutionality and the rules of constitutional construction, it is the opinion of this office that this piece of legislation, if enacted by the Legislature, is more likely than not constitutional.

Chair Jauregui:

Thank you, Mr. Powers. That was a very thorough explanation and very helpful as well. We appreciate it.

Assemblyman Roberts:

I have one question for the presenters. I do not know how this would work. How would the interstate compact address a recount if one would happen? Let us say everybody voted, but then somebody in the compact did a recount. How would the mechanics about that work?

Barry Fadem:

Recounts would occur in exactly the same way as recounts occur today. The National Popular Vote Interstate Compact does nothing to change the way states today do recounts. Every state has its own trigger and will recount if it is this close or that close, but that is a state-by-state decision. There is nothing in the National Popular Vote Interstate Compact that would affect the state's ability. The Founding Fathers established somewhat of a firewall

between the federal government and the conduct of the election of the President. They have states running the elections when the President is elected. That would continue. If a recount was necessary in any state, it would be pursuant to that state's existing law.

Chair Jauregui:

Are there any other questions from the Committee?

Assemblyman Leavitt:

Maybe you could clarify this for me because I am a little confused. I heard it stated, and I have heard it stated several times that it will not eliminate the Electoral College. As I read it, it seems that it renders the Electoral College ineffective and ceremonial. Could you explain to me how the Electoral College is even effective at this point if it is essentially under the guidelines of this compact? The Electoral College is rendered ineffective because the vote actually has to be in accordance with the compact's votes.

Barry Fadem:

Could you restate your question?

Assemblyman Leavitt:

How is the Electoral College not just ceremonial at this point?

Barry Fadem:

The Electoral College today is really not the problem. I will get to that in a second. Today, the Electoral College is a rubber stamp for the 50 state votes, so when the electors meet in the individual 50 states, there is no surprise that the votes are cast and the Electoral College is basically, as I said, a rubber stamp for the individual votes in each of the 50 states. Under the National Popular Vote Interstate Compact, the Electoral College stays and becomes the rubber stamp for the national popular vote in all 50 states. The problem with the current system is really not the Electoral College, it is the winner-take-all state statutes that 48 states, including the state of Nevada, have. Maine and Nebraska do it by congressional district. But it is those laws that the National Popular Vote Interstate Compact is amending. The Electoral College is not the culprit or the problem, so nothing really changes with respect to the Electoral College because nothing needs to change.

Assemblyman Leavitt:

I am still a little confused. You are saying that the issue you have with the Electoral College is that it is a winner-take-all system. We are a republic, so the states have certain independence from each other. Under this compact, states would no longer have that independence. The republican nature of how we operate as a country would be eliminated. If you are saying that—and I am just trying to understand what you are saying—the electors are able to vote independently. That leads me to my other question. In section 6 of this bill, the language is changed to, "If selected for the position of presidential elector, I agree to serve as such and to vote only for the nominees for President and Vice President of the political party that nominated me for the position as presidential elector." How does that work?

Chair Jauregui:

I am going to ask that Mr. Powers answer that one.

Kevin Powers:

I think this goes to the mechanics of the legislation and how the agreement would affect the existing statutes. What you are looking at in sections 4, 5, 6, 7, 8, and 9 of the legislation are the existing statutes of Nevada, which is the Uniform Faithful Presidential Electors Act. Under current law, each political party and each independent candidate that has a candidate in the presidential election nominates six electors to represent that political party or independent candidate. Whichever political party or independent candidate wins the popular vote in Nevada for the presidential election, their six nominees become the electors, and those electors then meet on the day set by Congress. Typically, those electors should be voting for the political party that nominated them. What the existing law in the Uniform Faithful Presidential Electors Act provides is that if an elector is part of that slate that is going for the presidential candidate who wins the popular vote, that elector must vote for that presidential candidate from the party who nominated him or her. You cannot be an unfaithful elector, so if a presidential candidate is a Democrat and he or she wins the popular statewide vote, then a Democratic presidential elector cannot vote for the Republican candidate. That is what the existing law provides in the Uniform Faithful Presidential Electors Act.

What the agreement would do is take that existing law and, if the agreement is in effect and the winner of the national popular vote is candidate X, the elector would have to vote for candidate X. But the electors would still follow their candidates, so the Democratic candidate would have six elector nominees, the Republican candidate would have six elector nominees in Nevada, and the independent candidate would have six elector nominees. Those are the elector nominees who would be the presidential electors. If the Democratic candidate won the national popular vote, the Democratic candidate's six electors would go to the presidential elector vote and vote for that Democratic candidate. The Uniform Faithful Presidential Electors Act says that those electors cannot vote for a different party candidate or an independent candidate. That is how the mechanics of the existing law would work with the agreement. I do not know if that exactly answers your question, but I certainly can follow up as to the mechanics of the legislation.

Assemblyman Leavitt:

I just wonder why it is even necessary to include that language if it is just going to operate in the exact same way it is currently operating under Nevada statute. That is where my confusion lies. Why change the language if it is going to operate exactly the same?

Kevin Powers:

It is going to operate the same way with one difference. The determination of which six presidential elector nominees go to the vote will not be based on the statewide popular vote, it will be based on the national popular vote. For example, just because we have two major political parties and that is what everyone is familiar with, under current law, if the Republican candidate wins the statewide popular vote, then those six presidential elector nominees for the Republican candidate go to the Electoral College and vote for the Republican presidential candidate. However, in that same election, if the National Popular Vote agreement were in effect, even if that Republican candidate won the statewide vote, if the Democratic candidate won the national popular vote, then the Democratic candidate's six Nevada presidential electors would be the ones to go to the vote of the Electoral College instead of the Republican electors, even though the Republican candidate won the statewide vote, because the Democratic candidate won the national vote. That is the difference. Whose political party presidential electors go to the Electoral College is determined by the national popular vote instead of the state's statewide popular vote.

Assemblyman Leavitt:

I just need some clarification—and this is probably not a legal question—as to your opinion in accordance with this legislation, why we would need an Electoral College at all? What purpose does it serve?

Barry Fadem:

It is the process that is established by which we elect the President of the United States. You become the President of the United States by winning 270 or more electoral votes in the Electoral College. I think that is why the Electoral College itself needs to stay. It determines the ultimate winner of the Presidency.

Chair Jauregui:

The Electoral College is in the *U.S. Constitution*, so that is why we use the Electoral College. We would have to amend the *U.S. Constitution* by a ratification of two-thirds of the states if we want to do away with it. I want to clarify that this will not abolish the Electoral College.

Assemblywoman Monroe-Moreno:

I was wondering how many Presidents actually served as President of the United States who did not receive the popular vote.

Assemblyman Tyrone Thompson:

Five.

Chair Jauregui:

Are there any other questions from the Committee? [There were none.] I do have one question. I have heard some concerns about the proper enforcement of the bill. How can we be sure the compact will be enforced in all compacting states?

Barry Fadem:

The interstate compact, which is a fancy name for a contract, is a legal contract that the parties—the states—are willingly entering into. Part of the interstate compact contains terms about states being able to leave the compact or violate the compact. I think I can make this statement: the U.S. Supreme Court has upheld every challenge that has ever been made to interstate compacts on the enforceability. It is really the interstate compact that provides the legal structure for this proposal. That is what gives it its enforceability factor.

Assemblywoman Miller:

My question is for clarification. Do all 50 states currently use the same electoral process? And what about the District of Columbia?

Barry Fadem:

Forty-eight states have the exact same state law as Nevada and that is winner-take-all. Maine and Nebraska do it by congressional district, and I am often asked why they do it by congressional district. The only answer I can give is their state legislature decided it was in the best interest of their state to use the congressional district system. The District of Columbia is winner-take-all, but they are one of the jurisdictions that have joined the National Popular Vote Interstate Compact. Actually, the District of Columbia, Hawaii, Vermont, and Rhode Island are examples of four small states that have joined the interstate compact.

Assemblywoman Miller:

This may be a question for legal as well. If two states, Maine and Nebraska, have another process in place, it sounds as if that was found constitutional. It was not conflicting with the constitutionality of what the *U.S. Constitution* says to enable states to determine how the process will work. Would that be correct?

Kevin Powers:

That is correct to the extent that in the *McPherson v. Blacker* case in 1892, the U.S. Supreme Court specifically held that at that time Michigan's use of district elections for its electoral votes for its presidential electors was constitutional. It does support the constitutionality of each state having the ability to choose by its legislature how it appoints its presidential electors. However, it does not conclusively answer whether this agreement would be constitutional, but it does support the constitutionality of this agreement.

Assemblywoman Torres:

One of the other benefits of the Electoral College is that a state can also withdraw from that compact, correct?

Barry Fadem:

That is absolutely correct. It is one of the terms of the contract between the states. A state can absolutely withdraw.

Chair Jauregui:

Seeing no other questions from the Committee, I will open the hearing to testimony in support. If you are in support, please fill the seats in Carson City and in Las Vegas. I will remind everyone that we will be keeping testimony in support, opposition, and neutral to two minutes per person in order to allow everyone who is here to have their voices heard.

Assemblywoman Shannon Bilbray-Axelrod, Assembly District No. 34:

I am actually going to keep this to 30 seconds. In 2017, I was a member of this Committee when Assembly Bill 274 of the 79th Session, the National Popular Vote bill, was heard for the first time.

I was very struck by a saying: "politics makes strange bedfellows." No other bill that I have ever been involved with has made that saying more apparent. Some will come up here and say that it is a Democratic bill. Nothing could be further from the truth. As I learned, both Republican former Speaker of the House Newt Gingrich as well as the conservative organization American Legislative Exchange Council, known as ALEC, have both shared their strong support for the National Popular Vote Interstate Compact.

My colleagues have eloquently stated why they support Assembly Bill 186, so I will just say ditto. Thank you for your time.

Megan Ortiz, Legislative Assistant, American Civil Liberties Union of Nevada:

I am going to echo a little bit of what Assemblywoman Bilbray-Axelrod just said, as much of it has been said already by our colleagues. The American Civil Liberties Union of Nevada supports this per Article II, Section 1 of the *United States Constitution*, leaving the power up to the states. It ensures that each candidate with the most votes would win. It has already been stated that five times in United States history a President has served without winning the popular vote. This would eliminate the possibility of that being ignored. For all of those reasons, we support this legislation.

Natha C. Anderson, representing Nevada State Education Association:

I am here representing the Nevada State Education Association. We are in full support of Assembly Bill 186 enacting the agreement among the states to elect the President by national popular vote.

We support this. As mentioned by our fellow educator, Assemblywoman Miller, we teach our kids that their voices as individuals matter. Each voice matters. How important is it for us to also put that into our voting and into our ballot boxes. We ask our students to use those voices to build their own beliefs. We believe the political system should follow the tenant of one person, one vote.

Assembly Bill 186 is an extension of historical efforts for greater democracy and political equality experienced in the women's suffrage movement, as well as numerous civil rights movements.

Finally, as most of our first graders know, the President is the most important elected official in the United States. We need to make sure that individual has the popular vote as well. The power that this individual has to impact federal legislation, command of the armed forces, our judicial appointments, and also—as educators—our federal Department of Education, has far-reaching items that we have to be aware of. I ask for your support of A.B. 186.

Steven Horner, Private Citizen, Las Vegas, Nevada:

I am a veteran and a retired special education teacher. John Q. Adams, Rutherford B. Hayes, Benjamin Harrison, George W. Bush, and Donald Trump—what do these Presidents have in common? Each lost the popular vote and became President through either the Electoral College, or, in the case of Adams, the House of Representatives, not the will of the people.

When our *U.S. Constitution* was written and adopted, our society was much different and the founders wanted to make certain that the President did not become a king. There was a compromise on how the President should be selected. Those days are gone. Modern democracies owe the voters a one-person, one-vote approach to electing a President.

The *U.S. Constitution*, I believe, needs to be amended. However, before that takes place, the individual states can determine how they allocate their electoral votes. This bill will ensure that Nevada understands the need to recognize that each person eligible to vote should have a meaningful vote. The system is broken. This is not the panacea, but it is a step in the right direction. We directly elect every other official at this time. The time to elect the President according to the popular vote is now and by the will of the people.

Thank you for your attention to this extremely important issue. I urge everyone to vote yes on A.B. 186.

Maria-Teresa Lieberman, Deputy Director, Battle Born Progress:

We support Assembly Bill 186 because of everything that has been said. Ditto to all of that. We at Battle Born Progress want to make sure that every vote counts in every state no matter your political affiliation. We hope, at one point in time, to live in a country where during presidential elections everyone in every state is going to be heard and that voters in certain states are not relegated to just being spectators while presidential candidates only go to certain states where those votes really do matter. We highly urge you to support this measure so that all voters can be counted equally and their voice will be represented equally during presidential elections.

Daryl Elliott, Private Citizen, Las Vegas, Nevada:

I would like to thank Assemblyman Tyrone Thompson and the sponsors and cosponsors for putting forth Assembly Bill 186 to effectively end the undemocratic Electoral College. I urge passage of this bill which would enter Nevada into a compact with the 12 states that have already passed similar bills. The total pledged Electoral College votes from these 12 states is 172, which leaves only 98 more pledged votes needed before the Electoral College will end its undemocratic tyranny over the promise of American democracy.

Democracy is based on the simple principle of one person's vote counting the same as all other citizens' votes. The Electoral College violates this most basic of democratic principles. This bill is fully congruous with the *U.S. Constitution* in that the *U.S. Constitution* grants states the right to determine how their Electoral College votes are cast. According to the organization National Popular Vote, a survey of 800 Nevada voters showed 72 percent overall support for a national popular vote for President.

It is imperative that the Nevada legislators act now to enact this bill so Governor Sisolak may sign it well before the next presidential election. It is urgent that Nevadans do their part to prevent another presidential candidate from ascending to the presidency after losing the popular vote, which has happened twice in the last two decades. It is time the Nevada Legislature acts to end this anachronistic practice by pledging our six Electoral College votes to the presidential candidate who wins the popular vote.

Doug Goodman, Founder and Executive Director, Nevadans for Election Reform:

I will not go into the constitutionality. That has been covered very well already. The country has changed politically and demographically since we enacted our *U.S. Constitution*. We are more transient; we are less rural. Surveys show, I think, about 20 percent of our country lives in a rural area. I think it is important to note that it is not really a state's population that determines its relevancy during a presidential election; it is whether or not the state is a swing state. It is its partisan makeup. The presentation by Assemblywoman Miller was outstanding: every vote needs to count. When you look at the ten most populous states in the country, yes, they do represent 54 percent of the population. However, five of those states are either what we refer to as purple, or only slightly lean to one party or another, which means five states are either solidly Republican or solidly Democratic. The relevancy is every voter; it is not the state's population. As just mentioned by a testimony in Las Vegas, polls show this is what the voters want. Currently, again, there are 13 states, 181 electoral votes with Colorado's Governor signing its entrance into the compact last week. Last session, Assembly Bill 274 of the 79th Session did not receive a vote in this Committee. Hopefully, this time it will.

Molly Rose Lewis, Private Citizen, Reno, Nevada:

I live in Reno, Nevada. I was also here two years ago to testify on a similar bill, and it is gratifying to see so much more support for this movement this time. My bachelor's degree is in American Studies from Yale University. I am here today to urge you to support Assembly Bill 186 to have Nevada join the National Popular Vote Interstate Compact. I am speaking today as a private citizen, but I would say also on behalf of each citizen of the United States of America.

First, the Electoral College is arcane. It was founded when people of color could not vote, when women could not vote. It was founded at a time when the logistics of counting ballots from across a vast geographic distance was simply inconceivable.

Thankfully, however, in 2019 our technology has changed drastically, as have our citizenship and voting laws. The government of the United States must change as the times and circumstances change, and we have the opportunity right now to come closer to what I believe the founders of this country had in mind: inclusivity and equal opportunity for everyone.

The fact of the matter is simple: each voting citizen of this country should have an equal say in the election of the President. The Electoral College, as it currently works, skews those votes. It should not matter whether I live in Nevada, California, Wyoming or Tennessee. My vote for the leader of my nation should count equally, regardless of the state in which I live. To those who would argue that smaller states need protection, I say this: that is why we have state legislatures, and that is why we have the United States Senate, which gives each state equal footing in the Legislative Branch. However, this branch of our federal government, the Executive Branch, should reflect the will of the people and should have nothing to do with state boundaries. This is about equality, and it is about democracy. One person, one vote.

Laura Hale, Private Citizen, Carson City, Nevada:

[Laura Hale read from prepared text ([Exhibit D](#)).] I am testifying today on behalf of Indivisible Northern Nevada and our 1,595 members who are passionate about fair elections, among other nonpartisan issues that advance participation in our democracy.

We have been following the national popular vote initiative since our inception in 2017, and we are grateful for the leadership and guidance of Dr. Sondra Cosgrove and the League of Women Voters of Nevada.

Equal representation—one person, one vote—is central to our participatory democracy. Our founding documents were not perfect, given that they were a negotiation between 13 disparate colonies with competing power dynamics. As a by-product of our disgraceful history of slavery, the Electoral College reflects the antiquated, antidemocratic idea that some votes count more than others.

While we have gradually moved our democracy toward the goal of equal representation, establishing the rights of all citizens to vote, the Electoral College continues to dilute these rights. Why should my vote count more in Nevada than the vote of someone in Utah or California?

Imagine if we applied the calculation of the Electoral College to this Committee. Six of you could vote in support of this bill, but if just four vote against, the bill dies in Committee. The six of you who voted in support would be outraged at being overridden by a clear minority. Imagine if this same scenario played out repeatedly over many years.

All around our country, citizens are fighting for their right to vote in fair elections. Participation in the democratic process is something we believe in, and you are accountable, as our elected representatives, to support democracy. Please pass A.B. 186 and continue to improve our imperfect union.

Sondra Cosgrove, President, League of Women Voters of Nevada:

I am a history professor at the College of Southern Nevada and the President of the League of Women Voters of Nevada. I submitted my testimony in favor of Assembly Bill 186 through the Nevada Electronic Legislative Information System ([Exhibit E](#)), so I am not going to read my comments to provide others time to speak. I would like to have on the record that the League of Women Voters has supported the National Popular Vote Interstate Compact since 2010; therefore, the League of Women Voters of Nevada supports A.B. 186.

Jean Melby-Mauer, representing Paradise Las Vegas Indivisible:

I have been a resident of Nevada since 1986 and presently am a leader of Paradise Las Vegas Indivisible in Las Vegas, a nonpartisan activist organization. Our members hail from all areas of the Las Vegas Valley, although most of us are from the Henderson/Paradise Township area.

I am here to testify for myself and for my organization in favor of Assembly Bill 186, which, if passed and signed by the Governor, would make Nevada a member of the National Popular Vote Interstate Compact. My organization and I support this bill.

In our opinion, democracy should be as direct as realistically possible. It is time to do away with or bypass an antiquated remnant of our past enshrined presently in our *U.S. Constitution*. At the time of its inception, the Electoral College was partially designed to create an electoral balance between more heavily populated states of free men and more sparsely populated states with slaves, who were considered three-fifths of a person. This vestige of our past must be overcome in order to reflect our modern society in which we seek electoral leverage for all. Only a one-person, one-vote system will adequately reflect us in the twenty-first century. Anything less is unacceptable.

The enactment of amendments to the *United States Constitution* is an accepted process whereby our political system has extended the right to vote to even more Americans. It is now time to extend that right to every single person. Let every vote count.

Chair Jauregui:

Thank you so much for your testimony. I am going to have to ask you to wrap up; we are at that two-minute mark. You can submit your written testimony to the Committee.

Jean Melby-Mauer:

I will send it in [page 15, ([Exhibit F](#))].

Ed Gonzalez, Private Citizen, Henderson, Nevada:

I am speaking as a private citizen. I am a Republican. I do support Assembly Bill 186. The reason is simple: every vote should count and be valued. I do disagree with some of the reasons that the other speakers have presented. My personal reasons are simple. If I am a voter in Oklahoma, if I am a voter in Massachusetts, my vote is not valued in the presidential election. We know who is going to win those Electoral College votes. We want to make sure we allow everyone to participate. The one way to get the highest voter turnout is in the presidential election and to make sure that every vote is counted and valued.

If this was a constitutional amendment to get rid of the Electoral College, I would be sitting here in opposition. The interstate compact is the best way to make sure to get this process forward. If we feel like it does not help Nevada, we can easily withdraw from it because I do not think Nevada is always going to be a swing state. From 1968 to 1988, the Republicans won every presidential election, so we have not always been that case and we are moving to a trend that we are probably not going to be a swing state. We want to make sure that our votes, while valued now, will be valued later.

Mary Richardson, representing Indivisible Northern Nevada:

I am a resident of Reno, Nevada. I am here with my colleagues from Indivisible Northern Nevada. I am also speaking as a clergywoman of the United Church of Christ, Justice and Witness Ministries. We are committed to seek, find, and abolish unequal treatment, marginalization, and racism of all varieties. In the Northern California Nevada Conference of the United Church of Christ, I am one of 1,735 active clergy involved in the work of speaking up and witnessing for the marginalized. I thank you, Assemblyman Thompson, for this bill.

I support this bill because it does several very important things: it is a first step in overcoming the institutionalized racism built into the Electoral College. I was stunned to learn that the Electoral College was the result of a compromise between slave-owning and free states. Now, while aspects of that compromise gave us the bicameral structure of House and Senate on a federal level, having the outcome of the presidential election determined by a system that gives former slaveholding states a weighted advantage over the rest of the states, only perpetuates that initial racist intent. As a footnote, I am also shocked that I did not learn this in any history class in all of my years in education.

Secondly, it weighs all votes equally. How can we knock on doors and tell people that their votes count, if they really do not? We were founded as a country on one person, one vote and on no taxation without representation. That I did learn in school. And when a vote in a swing state becomes more important, then both of these founding principles are shattered, laid aside.

It also originates at the state level. In this climate, the administration, and therefore the federal government, is unwilling to act in any way that levels

Chair Jauregui:

Madam, I am going to have to ask you to wrap up your testimony; we are at the two-minute mark.

Greg Gardella, Private Citizen, Reno, Nevada:

I am testifying today as a private citizen. I am a member of the 2016 Electoral College. I represented the state of Nevada on the Electoral College in that election cycle, so I have a unique perspective on this. I do want to speak to a specific instance. A voter in Wyoming has two and a half times more electoral power in presidential elections than a voter in Nevada. In California, it is seven times, so seven voters equals one voter in Wyoming. Here is the sticking point about that: every Wyoming voter has that advantage over every Nevadan regardless of where that Nevadan or that Wyomingite lives. A system with an existence that is rationalized as a protection of the rights of rural people and communities, the Electoral College actually cedes power from rural voters in more populous states to voters in less populous states. A voter living in an empty part of Nevada may well have very different needs of the government than the voter in the emptiest part of Wyoming and yet, that Nevada voter has less power to protect or advance his or her own parochial interests. Likewise, I would venture that the 63,000 or so voters in Cheyenne, Wyoming—which is Wyoming's largest city—have altogether different needs of the federal government than the 658 voters in Schurz, Nevada. Yet a Cheyenne vote carries weight over a Schurz vote simply because of the purpose built in inequities of the Electoral College. The Electoral College was designed to prevent the tyranny of the majority over the minority. What we face now is the tyranny of minority over the majority.

William Kramer, Private Citizen, Reno, Nevada:

I speak as a high school student in Reno. As I have been preparing to apply to college, I have looked at the states and congressional districts of the ones I am applying to. I have noticed that in many cases, my vote just will not really make a difference. It will not be a significant part of any electoral margin. This does not sit well with me at all. Why should I have more of a voice if I go to Carnegie Mellon University and cast my vote in Pittsburgh, than if I go to the University of Washington and cast it in Seattle, or if I go to Vanderbilt University and cast it in Nashville? Am I, as a person, inherently less important for attending school in a blue or red state as opposed to a swing state? It is not like I am a different person. It is unfair and arbitrary that my voice as a citizen is riding on my decision on where to go to school. Why should I have to sacrifice my political relevance in choosing one school over another?

Obviously, there are others like me who live in districts and states that are safe for one party who feel like they should not bother voting or standing up for their rights as a citizen because they just will not make a difference in this electoral system. Election after election after election have all shown that turnout is lower in those noncompetitive states and districts. People stay home because they think that their vote will not change the outcome. The feeling that your voice goes unheard, that your voice does not matter, is such a harmful one to society. It is one that we should be doing everything in our power as politicians and as citizens to prevent.

It would do wonders for our political system and the health of our civil society to just once every four years make sure everyone's vote and everyone's voice is heard, not just the swing demographics traditionally targeted by campaigns. That is why I stand in favor of this compact, because that is exactly what it does. The compact is an impactful first step in showing those in safe seats and states that their voice does matter; it does not matter what their gender, their race, their age, or location is. That would do wonders for our civil society and activism. Those things are the basis from which America's greatest positive changes—from abolition to suffrage to civil rights—were founded on. Who knows what other positive impacts such new activism might have? I say, let us find out by passing Assembly Bill 186.

Joy Viselli, Private Citizen, Reno, Nevada:

I thank you for putting this bill forward. I have been alive 72 years. I am a retired teacher of 36 years and I have the privilege of having been named a James Madison Fellow. I spent three months at the University of California, Berkeley, studying the *U.S. Constitution* with a variety of scholars. I taught United States history to eighth graders and eleventh graders and government to seniors. It was required for graduation. I am often in conversations about our democracy or electoral system. I hear people saying: Why was I not taught this? Why are they not teaching civics in school? I am here to tell you, as the young man before me spoke, it was and is being taught. As part of that, we must take responsibility in teaching our students about the system of federalism, and to understand the constitutionality of our policies, laws, and rules. What does that mean, and how does it work? We, as a school district—a county, a city, a town, or a state—may not pass laws that will violate the *U.S. Constitution*. I have done my share of teaching voting through tacos and pizzas as well as just using the school rules and classroom rules. Where does that lie in terms of the system of federalism? What of the framers and their intent? That is also something that we focus on. How would this agreement affect existing statutes? It is gratifying for me to hear that this is constitutional because it does not have a precedent.

Chair Jauregui:

Thank you for your testimony. I do want to remind everyone, if you have written testimony, please leave it with our committee assistant. She will make sure that copies of the written testimony get to every single one of the members on the Committee. I know we only have two minutes to testify per person, but I do want to make sure that your voice is heard. If you would, leave copies of those with the committee assistant.

Gwen Hunter, Private Citizen, Reno, Nevada:

Good afternoon. I have been on the planet for quite a while. I have not seen a lot of positive change in my life in terms of elections. When I was 17 years old, 18-year-olds got the vote. As soon as I was 18, I registered. When I was 19, I started working elections. For some reason, I am still doing it. It can be kind of hectic, but it is important to have people there to make sure things happen the ways things are supposed to. I wish I had been in Ms. Miller's fifth-grade class; I would have understood the Electoral College a lot sooner in life. Even though I understand it, it still does not make sense and as my grandson would say, that is not fair. I think that this Committee has the wherewithal to make this happen. I think you have the understanding of what it means. I talk to young people all the time who do not even want

to be involved because they feel like their vote does not count. It does not matter where they live; it does not matter where they are from. The perception is that it does not count. If you put forth a bill that allows them one vote for each person, I think it would make it fair, and I think we would have a greater participation in our elections.

Jean Laird, Co-President, League of Women Voters of Northern Nevada:

I represent the League of Women Voters of Northern Nevada. As you may know, the league is a nonpartisan organization and we neither support any candidate or any party, but we do study issues and we take positions on those issues. The league—at our local level, the state level, and the national level—has taken a position on this, basically because we believe in one person, one vote, and that every vote should matter. I would also like to add that I have read and understand Dr. Sondra Cosgrove's written testimony and I support that fully. I urge you and hope that you will support this bill, Assembly Bill 186, for the national popular vote.

Vivian Leal, representing Indivisible Northern Nevada:

I am very grateful for this bill. I am with Indivisible Northern Nevada leadership, and we are also nonpartisan, issue-based. I would like to invite you all to take a trip back in time. I have submitted on the record a document [page 19, ([Exhibit F](#))]. You can look at that one or any others that talk about the transparency of the Constitutional Convention.

We venerate the Constitutional Convention. We often think of it as our heritage, but it was a messy process and it was done in complete secrecy. Why was that? Because some of the trades that we were having—how many percentages were one black person to one white person, how much of a vote in the north counts versus a vote in the south, a rural vote versus a city vote—were horse-trading. This was not some venerable prayer situation. In the quotes in this essay you will see some conclave of demigods got together and decided what our future would be.

It was the best in history, but it was still imperfect and very much not intentionally pure. We see a lot of reflection of that. Our democracy is a work in progress. In fact, if you read Madison's work, this was done under a thick veil of secrecy, and he said that no constitution would ever have been adopted if the debates had been public. Think about that. Why was that? Go back and read about it. Pick the source of your choice, the one that you trust, whether you are liberal or conservative. I have given you one, but just google "Constitutional Convention secrecy." There were journals burned. Some were only given to the new President. It really was something that was being kept away from the people to which it purported to give democratic rights. In fact, one of the people wrote, "A government which originates in mystery must terminate in despotism." Take a look.

Senator James Ohrenschall, Senate District No. 21:

Last year I was going door-to-door campaigning and many times I would talk to constituents. I have talked to young people who would ask me, Why did the candidate who got the most votes not win the presidency? I would try to explain to them the history and the way the

Electoral College works, but it was very difficult to explain to them why one person, one vote does not work in this situation. I am very proud of Assemblyman Thompson and all the other cosponsors for bringing this measure. I am proud to be a cosponsor. I hope your Committee will act favorably on this measure.

Chair Jauregui:

Is there anyone else here in Carson City or in Las Vegas who is here to testify in support, possibly in the overflow room? [There was no one.] I will open the hearing to those who want to testify in opposition. I will remind everyone that we are limiting testimony to two minutes.

Trent England, Executive Vice President, Oklahoma Council of Public Affairs, Oklahoma City, Oklahoma:

Madam Chair, members of the Committee, this is something I have worked on for about 15 years. I actually testified here in a different room ten years ago when this came up.

I want to start by dispelling just a couple of things that have been stated, I think, incorrectly so far and then get to my testimony. It is very misleading to say that five Presidents have won the Electoral College and lost the national popular vote. That is not really accurate for reasons I will be able to get to at the end. It is also incorrect that ALEC supports this. That was stated by one of your colleagues. The opposite is true.

It is also not true that every other official in our country is elected by a direct election. A lot of mayors are not elected that way. No federal judge and many state judges are not elected that way. The Speaker of the House is not elected that way. The President Pro Tempore of the Senate is not, neither are chairs of committees. We have a lot of two-stage electoral processes that we use in our country, so that is really not correct either.

Also, on the legality, I thought it was interesting that it was stated that we know that you could not sell electoral votes because we know that violates the founders' intent. We know even more clearly that this violates the founders' intent, actually. We all sort of know that selling electoral votes would be icky, but we actually know for sure that the founders designed this system to reflect the political will of individual states. That is just leaving something out that is very important.

There are two reasons to oppose national popular vote, one is because you value the Electoral College. The other is, regardless of what you think about the Electoral College, you recognize that this is very risky. I grew up in the Seattle area where we would learn a lot about ecology and the fact that we have this ecosystem, this food web, and if you change something over here, you might think, Oh, I am just changing something over here, but the whole system reorders itself. Changing this changes the incentives in our national politics in a way that would remove a very important protection for not only political stability in moderation, but also a protection for civil rights that we have actually seen work in past presidential elections.

**Janine Hansen, State President, Nevada Families for Freedom; Constitutional Issues
Chairman, Eagle Forum:**

Mr. Barry Fadem stated that the most important reason for national popular vote is because of a winner-take-all system. Today, right now, you can change that in Nevada if you do not like winner-take-all. You have the power in this body to do that. The reason states have not done it is because they have not found it to their advantage. This is an end run around what the individual states have decided to do with the winner-take-all.

There are three dangers I would like to mention with national popular vote. One is that the national popular vote will potentially betray the voters of our own state. If our state voted for candidate A and the national popular vote winner was candidate B, our votes would be stolen from our desire and given to the national popular vote winner, betraying the voters in this state. I think there would be a lot of angry voters if they found out that is what happened.

One of the other dangers of national popular vote is that there is no national authority for determining the accuracy of the national popular vote for President. Currently the director of the *Federal Register* is responsible for compiling those votes. There is nothing comparable in the National Popular Vote Interstate Compact which would compile those. Each one of the 51 election officers would be responsible to do that. What if there is a disagreement among them? What if they do not want to go with the national popular vote? How do we resolve that problem? There is no process outlined in the national popular vote for doing that.

The third reason is—and my testimony is online ([Exhibit G](#))—the National Popular Vote Interstate Compact has no minimum percentage for a candidate to be declared the national popular vote winner. In other words, they could maybe win with 35 percent and they would be the national popular vote winner.

Chair Jauregui:

Thank you so much for your testimony.

Janine Hansen:

I just want to make one sentence more. That would mean this year with Howard Schultz running next year, that would damage the Democrats running for President.

Chair Jauregui:

I would encourage everyone to view your testimony online.

Mary Porter, Private Citizen, Gardnerville, Nevada:

With due respect to the legal presentation, I know that you would not disagree with the fact that this will be a litigated matter under the interstate compact. There is no question about that. When you start with the presumption that something is constitutional, that is more than likely the result you are going to get. The problem here is that the votes of our Nevada electors should not be based on the votes outside of the state of Nevada. I know that fifth graders would be very disappointed to know that their lunch selection was based on the

vote of the sixth graders. We really have to think about how people in this state are going to feel if Sadie Smith is our candidate; she won 68 percent of the vote. But doggone that Marla Smith—she won 35 percent nationally, so our electors are going to have to vote for Marla. Explain that to people and have them be satisfied. The electoral system may not be perfect. There are things we can do to change it and make it better, but under the finely wrought constitutional doctrine, it is quite clear that the Article V amendment process is the process that must be used. Just for the record, let me cite the *Harvard Journal on Legislation*, October 26, 2018, which has an extensive discussion about the unconstitutionality of this process. This is a matter of debate. This is not a matter of finally deciding it is constitutional.

Anthony C. Palmer, Private Citizen, Henderson, Nevada:

I reside in Henderson, Nevada. I am in opposition to Assembly Bill 186. Having been written almost 250 years ago, in the preamble of the *United States Constitution*, the first sentence states that the *Constitution* is established for the United States of America—the United States—key word, "states." These states were granted equity no matter the physical size of the state or its population. As an example, there are two senators from each state.

The Founding Fathers also put in the Electoral College updated by the Twelfth Amendment, ratified in 1804, so each state as a unit could have a say in the election of a President. They were afraid of a direct election to the presidency as a tyrant could manipulate opinion and come to power. States were also given the power to make many of their own laws. In the state of New York, voters elected representatives to the state government. These representatives passed a law stating it was legal to kill a nine-month-old fetus. In California, voters elected officials that would make California a sanctuary state and impose unrealistic gun laws that circumvent the Second Amendment.

Currently the citizens of the state of Nevada determine how our state is represented in national elections with the Electoral College. Individual votes count, but in a way that is represented by the states. This prevents two to three very large states, California and New York, from overwhelming the popular vote count so that a greater portion of the country can be represented by the government.

Nevada became the Battle Born State in 1864. The flag is blue with a silver star. If we relinquish the Electoral College, the heavily populated states of New York and California will determine the President of the United States. We may as well change our state flag from blue to a white flag and call ourselves "Eastern California." If this happens, we will see how much longer the rest of the *U.S. Constitution* will last.

John Colaw, Private Citizen, Las Vegas, Nevada:

I live here in Las Vegas, Nevada. I am very much opposed to this because under our current system, we vote and the Secretary of State certifies the vote. That is how our electors are determined, who won our election. Do you expect the Secretary of State to certify the votes in 49 other states? We have no control.

Denise Mraz, Private Citizen, Las Vegas, Nevada:

I am with American First and Don't California Our Nevada. I echo Janine Hansen's comments; I thought they were right on point. I do want to stress regarding the election integrity, Florida, California, and New York are in a lawsuit regarding the ballot harvesting that was found in those states—those states and one other one, I think it was Michigan. If this were to come to fruition, the national popular vote would give those states a third of the voting for the national popular vote, which points right back to Ms. Hansen's testimony.

We also know that on October 1, 2016, California allowed itself to be basically deeded over to the United Nations. Each state is operating as its own country, when instead it is supposed to be operating under the *U.S. Constitution*. Clearly, a lot of the states have thrown it out the window.

I have also heard in the testimony of support the word "democracy" over and over and over. I cannot stress enough the single fact that we live in a constitutional republic. We do not live in a democracy. Democracy is a process; it is not a place. We live in a constitutional republic. We need to follow the *U.S. Constitution*.

Jim DeGraffenreid, Vice Chairman, Nevada Republican Party:

We oppose Assembly Bill 186 because it would result in the loss of Nevada's voice in the presidential election process. This is not a partisan issue. The attention Nevada receives under our current system is important to both parties. Nevada is a battleground state receiving significant attention from presidential candidates. Our "First in the West" caucus creates significant opportunities for all Nevadans. Presidents Trump and Obama visited Nevada multiple times. Just within the past few weeks, Elizabeth Warren and Cory Booker have already made campaign stops for 2020.

The Electoral College exists because the framers of the *United States Constitution* believed that each state should matter in selecting the President. It is designed to protect the rights of smaller states like Nevada. To suggest that a state should disregard its own voters and instead follow the will of voters in some other state is the exact opposite of what the framers intended.

Properly amending the *U.S. Constitution* requires a supermajority of two-thirds of Congress or the states to first propose an amendment, and then a full three-fourths of the states must ratify those amendments. Even if the National Popular Vote Interstate Compact is ultimately found to be technically constitutional, it remains a constitutional trick to neuter the Electoral College that can be forced on the nation by a minority of the states. This is fundamentally unfair and offensive to the amendment process.

Under this compact, campaigns will naturally concentrate their efforts on large states and metropolitan areas, because it is more efficient. A candidate can reach a population much larger than the entire state of Nevada in any of America's largest cities, and do so more

easily. Those who support national popular vote say that every vote will count. In reality, candidates do not need every vote; they only need a plurality, and it is much easier to collect that plurality in large urban areas.

In summary, neutering the Electoral College in this way reduces Nevada's importance, maybe even making us irrelevant. We know we have a voice in the process under the current system. I ask the Committee to consider that we are Nevadans first, and to protect all Nevada voters by opposing this legislation.

Diane Baranowski, President, Nevada Federation of Republican Women:

The 1,150 members are asking me to come here and ask you to please vote against Assembly Bill 186. We oppose it because we feel that it will diminish the effectiveness and the purpose of the Electoral College. Our Founding Fathers' design of our federal form of government was for each state to have a proportionate and significant voice in the election of the President and Vice President, preventing just a few states with higher populations from exerting unfair influence over smaller—but no less important—states. The Nevada Federation of Republican Women is very much opposed to the national popular vote, the entire purpose of which, we feel, is to subvert the votes of many people in the less populous states and increase the influence of just a few states with greater populations.

Also, I must say that listening to testimony today, I have not heard at all the process by which Nevada would be able to extricate itself from this compact if it were to go into effect. I keep hearing that it is very easy, but I have not heard exactly what the process would be and I think that is worth finding out about.

Juanita Cox, President, Nevada Republican Assembly; and representing Citizens in Action:

I went through the process in 2016 and became one of the six electoral voters. That was quite a process, quite a competition, and quite an exhausting process. What we have to think about is this is simply an end run to our *U.S. Constitution*. You have heard that repeatedly. One thing I would like to put on the record is that in January of this year, 2019, in Los Angeles County, California, there was a lawsuit filed by Judicial Watch because they found 1.5 million votes were illegal in just that one county. This is happening, this process, through the courts. It takes years through the courts to get through these processes to find illegal votes. There is no guarantee of what we would do if we lost the votes in this way and then found out that a county like Los Angeles or elsewhere in California had lawsuits—and we had lost 1.5 million voters.

Chair Jauregui:

I do want to clarify for the record that the means by which a state can withdraw from the compact is in the bill on page 4, Article IV,

Jim Salle, Private Citizen, Las Vegas, Nevada:

I am 80 years old now and I have lived in Clark County for 55 years. When I went to school in the old days, we learned about the Electoral College and what it meant and what it stood for. I really believe that we have a republic, not a democracy, as so many people keep talking about—democracy. It is a silly thing, but a democracy is two wolves and a lamb voting on what to have for dinner. This bill is about whether you support small states like Nevada and other small states, or whether you support the Democratic National Committee.

Debbie Miller-Joseph, Legislative Chair, Active Republican Women:

I am here to oppose Assembly Bill 186. With voter fraud and all the illegal votes in California and New York and various other states, which skew the popular vote and force the smaller states into the illegal popular vote, how will we enforce election integrity for each state to ascertain that only citizens of that state vote when the votes from large states will become popular? We will lose our voice to the popular vote of a few large populated states. How fair is that and how does that count every vote?

Linda Buckardt, Private Citizen, Las Vegas, Nevada:

I had a wonderful presentation here, but as you can see, my notes are all filled up with scribbles. I do not want to keep on repeating things that have been said. I oppose this. I am speaking as a member of NevadansCAN, a citizens' action network reaching over 75,000 people. I stand in opposition to this bill. In addition to the states mentioned, Washington, New York, Illinois, Ohio, District of Columbia, Florida, and Texas, would take all our power away because we do not have enough votes for the Electoral College. You need to consider the huge financial loss for Nevada should a candidate just campaign in the states with the highest population. If I were running, I would put my money and my time in other states. This would lead to an economic impact and job loss for those in the casinos and other service industries. Casinos lose business and then there is less money for donations, union workers would be laid off, and the entire economy would suffer.

Bob Russo, Private Citizen, Gardnerville, Nevada:

I oppose this bill. This bill, as part of the National Popular Vote Interstate Compact, is a risky and likely unconstitutional attempt to sidestep the Electoral College and elect our President by a popular vote. The contract that states enter in through this bill would assign electors from each state to the winner of the popular vote for President instead of the state popular vote. This would only give a say to the large populated states and essentially eliminate the voice of those of us residing in smaller states, such as Nevada. We would basically be withdrawn from the voting process.

This contract can go into effect with fewer than the required approval of 38 states needed for a formal constitutional amendment. This legislation looks like an attempt to make an end run around the constitutional process, which could result in numerous legal problems. The Electoral College has worked well since the birth of our nation in providing a peaceful transfer of power.

If this proposal goes into effect, the Electoral College's primary reason for existing will be fundamentally eliminated. Presidential candidates will focus their attention on winning the electoral votes in the larger states while simply ignoring the smaller ones. This will only serve to further divide our nation. During the Constitutional Convention, the small states clearly expressed their unwillingness to ratify the *U.S. Constitution* if a national direct popular vote was enacted. Thus the Electoral College was created to give a voice to the smaller states during presidential elections.

If this pact becomes law, it will be a very sad day in America as a representative republic; we are not a democracy. I urge you to protect the Electoral College and vote no on this bill.

Maurice White, Private Citizen, Carson City, Nevada:

I stand in opposition of Assembly Bill 186. Assembly Bill 186 is repugnant to the philosophies of our founders. They rejected true democracy in the case of electing our President.

The Electoral College is doing exactly what it was designed to do. It is stopping a few concentrated population centers from overrunning the rest of the country. We are independent states. Each of our in-state popular votes should be recognized. I find it odd, and I hope you do too, that the attorney from the Legislative Counsel Bureau had to explain how this bill would work. Why could the proponents not explain how it works? Constructing laws that render the Electoral College to being ceremonial and ineffective is certainly unconstitutional.

You may well have the authority to pass this bill, but it is un-American because it perpetuates what the founders feared would happen with true democracy. The *U.S. Constitution* is in place to keep the majority from harming the minority. It has checks and balances. The Electoral College is one of those checks, and with all due respect, we are not fifth graders.

Jim Hindle, Private Citizen, Virginia City, Nevada:

I just want to talk about one simple issue that we are kind of glossing over. The President and the Vice President are the only elected officials who are voted upon by everyone and by every state in this nation. All other elections are done on a state basis for state representation. Under that premise is why we have a different design for the election of the President and Vice President. The intent is that you do not have a President or Vice President elected who is not supported by a majority of states. If this bill goes through for a national popular vote, there is a very real possibility that you would have someone—and by its design, states' electoral votes are turned toward the national result and not by the actual result of the states' votes—you could have the very real result that a President is elected without the support of the majority of states, by the people in the majority of states. That would be a dangerous precedent; that would be a dangerous situation for us because it would undermine the basis of this republic and how we select our leader.

Daphne Lee, Private Citizen, Las Vegas, Nevada:

I am a lifetime Nevadan. I have deep roots in this state and in my community. As a Nevadan, I am deeply offended and oppose this bill. I was taken aback earlier by the mental gymnastics done by the legal analyst. He essentially admitted it was already illegal before it has even begun. I heard over and over again that this is not a partisan bill, but it is quite obvious when you look at the states that we are compacting ourselves with, that is exactly what this is. We would only be kidding ourselves by compacting ourselves with this. We would then be essentially pre-binding our votes to those states before the election even happened. That is very concerning to me.

Nevadans have a voice right now, as everyone has echoed. Candidates come to us several times throughout the process to hear our voice on all issues because of our historical independent spirit. There is no benefit for the great people of Nevada to completely abdicate our voice to other states. The electioneering that is quite obviously going on here should be deeply frowned upon, even if the political winds tempt some people to use nefarious tools to gain power. It should be frowned upon.

This bill opens the door, obviously, as the legal analyst stated, to serious litigation, which endangers the peaceful transition of power that we have enjoyed historically for over 200 years. I would please ask you to put the people of our state, Nevada, first and vote no. Thank you so much for your time and consideration.

Renee Bormahn, Private Citizen, Henderson, Nevada:

I actually moved here from California four years ago because I did not like the politics in California, especially in Los Angeles where I had my businesses. Many of my friends are moving here and I feel this state right now is going the same route instead of remembering where the roots are. We have the popular vote explained to us with a pizza and a taco and a fifth grader. I can also do a popular vote if I go to a rental district in West Hollywood where there are 10 landlords and 2,000 renters and ask the renters if they all want to get rid of the landlords and just take their property. You would have the popular vote right there. Yes, the renters take the property. I think if Nevada wants to be important and wants more electoral votes, we just need more population. And we are getting it. But if you go the same route here, like California, I am moving somewhere else and so will my friends. We want Nevada to be what it is, part rural and part city. We do not have to follow what New York, California, and Chicago dictate because they have completely different situations than we have. People come here because they love the way the state is and I would like to keep it that way. I am completely against the popular vote being the main vote because then whoever gets to be President is the one who has the most celebrity friends. Is that what we want?

Lynn Chapman, Treasurer, Independent American Party of Nevada:

I am the state treasurer of the Independent American Party. I want to say that the National Popular Vote Interstate Compact has no minimum percentage for a candidate to be declared the national popular vote winner. What this means is that in a three-way race, a candidate could win with 35 percent of the popular vote or even less. Up to 42 percent of Americans

identify as independents. People are increasingly becoming disenchanted with both of the parties. There are a lot of third parties now which would also deprive the majority parties of some of the national popular votes, including the Libertarian Party, American Independent Party, Constitution Party, Green Party, and others.

Because the National Popular Vote Interstate Compact has no minimum percentage required for the national popular vote winner, we could elect a candidate with no national mandate. In 1860, when Republican Abraham Lincoln was elected, there were actually four candidates in that race. Lincoln received 39 percent of the popular vote. Stephen Douglas of the Northern Democratic Party received 29.5 percent. John Breckinridge of the Southern Democratic Party received 18 percent. John Bell of the Constitutional Union Party received 12 percent of the popular vote. We know what happened in the election.

Lincoln did not have a national mandate winning with only 39 percent of the popular vote. The Electoral College is called the Great Compromise for a reason. We should probably reread it and find out why.

Starla Doughty, Private Citizen, Gardnerville, Nevada:

I live in Gardnerville, Nevada. Originally from Las Vegas, I grew up there and graduated from school there. I would like to say that I appreciate Assemblyman Leavitt's comments when we started this hearing. He brought up some valid points; I, too, have the same concern. Not to keep this hearing long, I just want to concur with the comments and I oppose this bill. I hope you would as well.

Theresa DeGraffenreid, Private Citizen, Gardnerville, Nevada:

Thank you for hearing my testimony. I, too, am opposed to this bill because of many of the things other people have said.

Janet Freixas, Private Citizen, Minden, Nevada:

I am from Douglas County. I am also opposed to this bill for many of the reasons that were stated before. However, I do not think we can say it enough that we are a representative republic; we are not a democracy.

Julie Moore, Private Citizen, Gardnerville, Nevada:

I am opposed to this bill for the reasons that have already been stated.

Shawn Meehan, Founder, Guard the Constitution Project:

I founded the Guard the Constitution Project specifically to educate state legislators across the country and advocate for the *U.S. Constitution*. Article IV, Section 4 of the *U.S. Constitution* says, "The United States shall guarantee to every State in this Union a Republican Form of Government." I think we have already covered that pretty well. I have read the talking points memo book put out by the proponents of this bill that I oppose. I am very familiar with the details and the sales pitch. I encourage you to look on the Nevada Electronic Legislative Information System (NELIS) to a *Brigham Young University Law Review* article that I posted ([Exhibit H](#)). On page 1534, it says, "To be sure, throughout

American history, there have been many efforts to reform or eliminate the Electoral College, but all have failed. Of the 11,000 constitutional amendments proposed in Congress, over 1,000 have dealt with the Electoral College," and 700 have sought to implement a direct popular vote. All failed.

I refer to Dr. Cosgrove's testimony. She testified earlier from the League of Women Voters. Her testimony is posted on NELIS. She makes some interesting statements. I am going to skip ahead here and just read her fourth-from-last paragraph ([Exhibit E](#)): "The Constitution allocates power to state legislatures to direct the method for selecting presidential Electors and this power has been affirmed by the US Supreme Court, "so the National Popular Vote Interstate Compact aligns with the goal of making every vote count now without the cumbersome amendment process." I would like to see her reference. I disagree. It was meant to be cumbersome, ladies and gentlemen.

Earlier you were told that you have the authority in the *U.S. Constitution* to allocate the electoral votes. That is absolutely untrue. You have the authority to elect the electors.

Chair Jauregui:

Thank you so much for your testimony. If you have it in writing, I would encourage you to leave it with the committee assistant so she can share it with the Committee.

I want to remind everyone that we are courteous in this Committee whether or not you have opposing views. We do not directly attack people who came and testified in positive or neutral with an opposing view.

James Falk, Private Citizen, Fallon, Nevada:

I live in Churchill County. By my count at this point, if we go by the rules of the proponents of this bill, the opponents would have won because we outnumber you. Anyway, by the grace of providence and the wisdom of our Founding Fathers creating the Electoral College, we have a President today who is putting our nation on the right track to security, prosperity, and fairness. We saw in the last election here how two Nevada counties, Clark County and Washoe County, swung the elections and gave the Democratic Party enormous power with little respect or regard for the other 15 rural counties. Likewise, abolishing the Electoral College would give New York and California the power to run roughshod over the rest of the country, including Nevada. I hope that is not what you want and that you will vote down Assembly Bill 186.

Chair Jauregui:

Is there any further testimony in opposition in Carson City or Las Vegas? [There was none.] Is there anyone here in Carson City or Las Vegas who would like to testify in neutral? [There was none.] Are there any closing remarks from the sponsor?

Assemblyman Thompson:

I want to thank the Committee for their active engagement and thoughtful questions this afternoon. We have had well over 40 testimonials today, but I want us to reflect on the one,

in my viewpoint, that is perhaps the most profound and most important, that was of Mr. Kramer—I think I am saying his name correctly—the young man from Reno. Committee, most of you know me, and you know that I am about civic engagement and expressing that civic duty within our young people. It made me proud for him to stand here and be a voice. I talked about how this is going to reflect those of us currently who are also looking for our future. He just made his statement saying he wants to vote. I think a civic duty of elected officials is to encourage others to be a part of that process. He also said, like many of us who are proponents for this, that he wants his vote to count. I would urge you to please support Assembly Bill 186. Again, I want to thank everyone for the conversation today because it actually was a good discussion. I listened to every testimony that came before us. I appreciate legal counsel stepping in to clarify some sticking points. Again, thank you to the Committee for your time and attention. I would appreciate your support of A.B. 186.

Chair Jauregui:

I will close the hearing on Assembly Bill 186.

Our next order of business is public comment. Is there anyone here in Carson City or Las Vegas who wishes to give public comment? [There was no one.] Our next meeting will be scheduled for this Thursday, February 28, 2019, at 4 p.m. The meeting is adjourned [at 5:58 p.m.].

[Other exhibits submitted before the deadline which were not mentioned during testimony include ([Exhibit I](#)), ([Exhibit J](#)), ([Exhibit K](#)), ([Exhibit L](#)), ([Exhibit M](#)), and ([Exhibit N](#)). Per Chair Jauregui's request, written copies of testimonies and supplied documentation in support of Assembly Bill 186 were submitted in the hearing and are included in ([Exhibit F](#)) and written copies of testimonies and supplied documentation in opposition to Assembly Bill 186 were submitted in the hearing and are included in ([Exhibit O](#)).]

RESPECTFULLY SUBMITTED:

Catherine Bodenstein
Committee Secretary

APPROVED BY:

Assemblywoman Sandra Jauregui, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a PowerPoint presentation titled "Popular Vote for Fifth Graders," presented by Assemblywoman Brittney Miller, Assembly District No. 5.

[Exhibit D](#) is testimony in support of [Assembly Bill 186](#) submitted and presented by Laura Hale, Private Citizen, Carson City, Nevada.

[Exhibit E](#) is testimony in support of [Assembly Bill 186](#) submitted and presented by Sondra Cosgrove, President, League of Women Voters of Nevada.

[Exhibit F](#) is a collection of testimonies and documentation in support of [Assembly Bill 186](#).

[Exhibit G](#) is testimony in opposition to [Assembly Bill 186](#) submitted and presented by Janine Hanson, State President, Nevada Families for Freedom; and Constitutional Issues Chairman, Eagle Forum.

[Exhibit H](#) is a list of links to articles in opposition to [Assembly Bill 186](#), submitted by Shawn Meehan, Founder, Guard the Constitution Project.

[Exhibit I](#) is a document titled, "Assembly Bill 186 Summary," submitted by Assemblyman Tyrone Thompson, Assembly District No. 17.

[Exhibit J](#) is a document titled "Assembly Bill 186 Agreement Among the States to Elect the President by National Popular Vote," submitted by Assemblyman Tyrone Thompson, Assembly District No. 17.

[Exhibit K](#) is a list of links to articles in support of [Assembly Bill 186](#), submitted by Kenzie L. Wagner, Policy Assistant, Brownstein Hyatt Farber Schreck.

[Exhibit L](#) is a letter in opposition to [Assembly Bill 186](#) submitted by Tara Ross, Private Citizen.

[Exhibit M](#) is a letter in opposition to [Assembly Bill 186](#) submitted by Bradley Letts, Private Citizen, Dayton, Nevada.

[Exhibit N](#) is a letter in opposition to [Assembly Bill 186](#) submitted by Samuel Lair, Private Citizen, Sparks, Nevada.

[Exhibit O](#) is a collection of testimonies and documentation in opposition to [Assembly Bill 186](#) submitted in the hearing.