

## ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda-underwritten by global corporations--includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

### ALEC's Corporate Board --in recent past or present

- AT&T Services, Inc.
  - centerpoint360
  - UPS
  - Bayer Corporation
  - GlaxoSmithKline
  - Energy Future Holdings
  - Johnson & Johnson
  - Coca-Cola Company
  - PhRMA
  - Kraft Foods, Inc.
  - Coca-Cola Co.
  - Pfizer Inc.
  - Reed Elsevier, Inc.
  - DIAGEO
  - Peabody Energy
  - Intuit, Inc.
  - Koch Industries, Inc.
  - ExxonMobil
  - Verizon
  - Reynolds American Inc.
  - Wal-Mart Stores, Inc.
  - Salt River Project
  - Altria Client Services, Inc.
  - American Bail Coalition
  - State Farm Insurance
- For more on these corporations, search at [www.SourceWatch.org](http://www.SourceWatch.org).

**DID YOU KNOW?** Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

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### UNIFORM FAITHFUL PRESIDENTIAL ELECTORS ACT

Did you know the NRA--the National Rifle Association--was the corporate co-chair in 2011?

**SECTION 1. SHORT TITLE.** This [act] may be cited as the Uniform Faithful Presidential Electors Act.

**SECTION 2. DEFINITIONS.** In this [act]:

- (1) "Presidential Elector" means persons identified under [applicable state statute].
- (2) "President" means the President of the United States.
- (3) "Vice-President" means the Vice-President of the United States.
- (4) "Winning presidential candidate" means the candidate for President qualified under the laws of this state who receives the greatest number of qualified popular votes in this state for the office of President.
- (5) "Winning vice-presidential candidate" means the candidate for Vice-President qualified under the laws of this state whose name appears on the general election ballot as the vice-presidential running mate of the winning presidential candidate.<sup>[1]</sup>

**SECTION 3. DESIGNATION OF STATE'S ELECTORS.** Two lists of qualified persons, each equal to the number of presidential electors to which this state is entitled under the United States Constitution, shall be provided by or on behalf of each slate of candidates for President and Vice-President qualified for the General Election ballot [applicable state statute]. One list will be designated "presidential elector nominees" and the second "alternate presidential elector nominees." Except as provided in Section 4, the persons on the list of presidential elector nominees associated with the winning presidential and vice-presidential candidates, become this state's presidential electors for purposes of casting this state's electoral votes at the meeting convened for that purpose.<sup>[2]</sup> Each individual on each of the two lists shall execute the following pledge, which shall be attached to the list when filed with the [Secretary of State or other designated officer]: "If selected for the position of presidential elector, I agree to serve and pledge to cast<sup>[3]</sup> my ballots for the winning Presidential candidate and for the winning Vice-Presidential candidate."<sup>[4] [5]</sup>

**SECTION 4. IDENTIFICATION OF ELECTORS.** In submitting this state's certificate of ascertainment as required by 3 U.S.C. Section 6, the [Governor]<sup>[6]</sup> shall certify both the state's presidential electors and the state's alternate presidential electors. The certificate shall recite that the presidential electors will serve in that capacity unless vacancies occur in the office of presidential elector before conclusion of the meeting at which presidential elector voting is conducted, in which case presidential electors will be chosen, from among the alternate presidential electors if possible to fill the vacancies, and that, if substitution is required, the [Governor] will transmit an amended certificate of ascertainment specifying the names of a complete set of the state's presidential electors, including the replacement presidential electors, who are entitled to cast the state's electoral votes.

**SECTION 5. PRESIDING OFFICER; ELECTOR VACANCIES.**

- (a) The [Secretary of State] shall preside at the meeting of presidential electors. If any of the elected presidential electors are not present, the positions of the absent

presidential electors shall be deemed vacant. Vacancies that occur for that or any other reason shall be filled in the following manner:

- (1) By lot from among those alternate presidential electors who are present at the meeting.
- (2) If no alternate presidential electors are present, or an insufficient number is present to fill vacancies, any unfilled vacancies will be filled from among available persons qualified to serve as presidential elector by nomination by and a plurality vote of the remaining presidential electors, including choice by the single presidential elector if only one remains.
- (3) If no single substitute presidential elector receives a plurality vote pursuant to subparagraph (2), but there is a tie among two or more candidates each with the same plurality, then by lot among them.
- (4) If all presidential elector and alternate presidential elector positions are vacant, by designation of a single presidential elector by the [Secretary of State], with remaining vacancies then filled under subparagraph (2).<sup>[7]</sup>

(b) To qualify as a substitute presidential elector, any person who has not previously executed the pledge required under Section 3, must first do so.

**SECTION 6. ELECTOR VOTING.**

At the time designated for presidential elector voting, and after any vacancies have been filled, the [Secretary of State] shall provide each presidential elector with a presidential and a vice-presidential ballot on which the presidential elector shall designate votes for those offices respectively, along with the presidential elector's signature and a legibly printed rendering of the presidential elector's name. Each presidential elector shall present both completed ballots to [Secretary of State] who shall examine them and record as cast all ballots for the winning presidential and winning vice-presidential candidates respectively. **Ballots presented for other than the winning presidential and winning vice-presidential candidate in violation of the elector's pledge required under Section 3 or 5 are not to be cast, and shall not be counted.** Any presidential elector who presents a ballot in violation of the pledge is deemed to have resigned from the office of presidential elector, creating a vacancy to be filled as provided in Section 5. [Secretary of State] shall require the execution of the pledge from any substitute presidential electors who have not already made it, distribute to and collect ballots from properly substituted presidential electors, record as cast votes for the winning presidential and vice-presidential candidates.

This effectively disenfranchises electoral college voters for voting their conscience.

**SECTION 7. NOTIFICATION OF ELECTOR REPLACEMENTS AND AMENDED CERTIFICATES.** After the vote of this state's presidential electors is completed, if the final list of presidential electors differs from any list that [the Governor] has previously included on a certificate of ascertainment prepared and transmitted pursuant to 3 U.S.C. Section 6, the [Secretary of State] shall immediately prepare an amended certificate of ascertainment containing the final list and transmit it to [the Governor] for [the Governor's] signature. [The Governor] shall expeditiously deliver the signed amended certificate of ascertainment to the [Secretary of State] and to all federal, state and local officials entitled to receive this state's certificate of ascertainment, including the President of the United States Senate and each of this state's presidential electors on the final list, indicating that this amended certificate of ascertainment is to be substituted for the certificate of ascertainment previously submitted. The [Secretary of State] shall prepare a certificate of vote for the presidential electors on the final list to sign, process, and transmit along with the amended certificate of ascertainment as provided in 3 U.S.C. Sections 9, 10, and 11.<sup>[8]</sup>

**SECTION 8. UNIFORMITY OF APPLICATION AND CONSTRUCTION.**

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

**SECTION 9. REPEALS.** The following are repealed: \_\_\_\_\_.

Were your laws repealed?

**SECTION 10. EFFECTIVE DATE.** This [act] takes effect \_\_\_\_\_.

Approved by the Public Safety and Elections Task Force on July 17, 2009.

Approved by the ALEC Board of Directors on August 27, 2009.

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[1] The two definitions would have to be adjusted where a state chooses some electors in district elections.

[2] Again, adjustment will be necessary where some electors are chosen in districts.

[4] States with a system of alternate delegates should account for this in a separate pledge.

[6] Because the federal statute refers to the state's "executive," a state could presumably assign this and related functions to an executive officer other than the Governor.

[7] Adjustments would again be required for those states which select electors by district.

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**About Us and ALEC EXPOSED.** The Center for Media and Democracy reports on corporate spin and government propaganda. We are located in Madison, Wisconsin, and publish [www.PRWatch.org](http://www.PRWatch.org), [www.SourceWatch.org](http://www.SourceWatch.org), and now [www.ALECexposed.org](http://www.ALECexposed.org). For more information contact: [editor@prwatch.org](mailto:editor@prwatch.org) or 608-260-9713.

From CMD: this "model" bill would require that all of a state's electoral votes for president and vice-president be cast for the candidate winning in the state, and would in essence bar electoral votes from being split proportionately among the candidates. It would also nullify any votes cast by electors that did not vote for the winner of the popular vote, effectively disenfranchising an elector who votes his or her conscience, and replaces that person with an alternate to vote as mandated by this law, if passed.