

HOUSE No. 710

By Mr. Walsh of Boston, petition of Martin J. Walsh and others relative to the agreement among the states to elect the President by national popular vote. Election Laws.

The Commonwealth of Massachusetts

PETITION OF:

Martin J. Walsh	Carl M. Sciortino, Jr.
Mary E. Grant	Lewis G. Evangelidis
John W. Scibak	Todd M. Smola
Jay R. Kaufman	Cory Atkins
Frank I. Smizik	Steven J. D'Amico

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO THE AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 The General Laws is hereby amended by inserting after chapter
2 54, as appearing in the 2004 Official Edition, the following
3 chapter:—

Chapter 54B.

**AGREEMENT AMONG THE STATES TO ELECT
THE PRESIDENT BY NATIONAL POPULAR VOTE.**

7 Article I. Membership

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

10 Article II. Right of the People in Member States to Vote for Presi-
11 dent and Vice President

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

14 Article III. Manner of Appointing Presidential Electors in
15 Member States

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

23 The chief election official of each member state shall designate
24 the presidential slate with the largest national popular vote total as
25 the “national popular vote winner.”

26 The presidential elector certifying official of each member state
27 shall certify the appointment in that official’s own state of the elector
28 slate nominated in that state in association with the national popular
29 vote winner.

30 At least six days before the day fixed by law for the meeting and
31 voting by the presidential electors, each member state shall make a
32 final determination of the number of popular votes cast in the state
33 for each presidential slate and shall communicate an official state-
34 ment of such determination within 24 hours to the chief election
35 official of each other member state.

36 The chief election official of each member state shall treat as con-
37 clusive an official statement containing the number of popular votes
38 in a state for each presidential slate made by the day established by
39 federal law for making a state’s final determination conclusive as to
40 the counting of electoral votes by Congress.

41 In event of a tie for the national popular vote winner, the presi-
42 dential elector certifying official of each member state shall certify
43 the appointment of the elector slate nominated in association with
44 the presidential slate receiving the largest number of popular votes
45 within that official’s own state.

46 If, for any reason, the number of presidential electors nominated
47 in a member state in association with the national popular vote
48 winner is less than or greater than that state’s number of electoral
49 votes, the presidential candidate on the presidential slate that has
50 been designated as the national popular vote winner shall have the
51 power to nominate the presidential electors for that state and that
52 state’s presidential elector certifying official shall certify the
53 appointment of such nominees.

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

57 This article shall govern the appointment of presidential electors
58 in each member state in any year in which this agreement is, on July
59 20, in effect in states cumulatively possessing a majority of the elec-
60 toral votes.

61 Article IV. Other Provisions

62 This agreement shall take effect when states cumulatively pos-
63 sessed a majority of the electoral votes have enacted this agreement
64 in substantially the same form and the enactments by such states
65 have taken effect in each state.

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

70 The chief executive of each member state shall promptly notify
71 the chief executive of all other states of when this agreement has
72 been enacted and has taken effect in that official's state, when the
73 state has withdrawn from this agreement, and when this agreement
74 takes effect generally.

75 This agreement shall terminate if the electoral college is abol-
76 ished.

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

79 Article V. Definitions

80 For purposes of this agreement,

81 "chief executive" shall mean the Governor of a State of the
82 United States or the Mayor of the District of Columbia;

83 "elector slate" shall mean a slate of candidates who have been
84 nominated in a state for the position of presidential elector in associ-
85 ation with a presidential slate;

86 "chief election official" shall mean the state official or body that
87 is authorized to certify the total number of popular votes for each
88 presidential slate;

89 "presidential elector" shall mean an elector for President and Vice
90 President of the United States;

91 “presidential elector certifying official” shall mean the state offi-
92 cial or body that is authorized to certify the appointment of the
93 state’s presidential electors;

94 “presidential slate” shall mean a slate of two persons, the first of
95 whom has been nominated as a candidate for President of the United
96 States and the second of whom has been nominated as a candidate
97 for Vice President of the United States, or any legal successors to
98 such persons, regardless of whether both names appear on the ballot
99 presented to the voter in a particular state;

100 “state” shall mean a State of the United States and the District of
101 Columbia; and

102 “statewide popular election” shall mean a general election in
103 which votes are cast for presidential slates by individual voters and
104 counted on a statewide basis.