



# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 56

H.P. 49

House of Representatives, January 5, 2009

### **An Act To Join the Interstate Compact on the National Popular Vote**

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Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative MARTIN of Eagle Lake.

1 Be it enacted by the People of the State of Maine as follows:

2 Sec. 1. 21-A MRSA c. 17 is enacted to read:

3 CHAPTER 17

4 INTERSTATE COMPACT: AGREEMENT AMONG THE STATES TO  
5 ELECT THE PRESIDENT OF THE UNITED STATES BY NATIONAL  
6 POPULAR VOTE

7 §1301. Membership - Article 1

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

10 §1302. Right of people in member states to vote for President and Vice President -  
11 Article 2

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

14 §1303. Manner of appointing presidential electors in member states - Article 3

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

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

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

25 At least 6 days before the day fixed by law for the meeting and voting by the  
26 presidential electors, each member state shall make a final determination of the number of  
27 popular votes cast in the state for each presidential slate and shall communicate an  
28 official statement of such determination within 24 hours to the chief election official of  
29 each other member state.

30 The chief election official of each member state shall treat as conclusive an official  
31 statement containing the number of popular votes in a state for each presidential slate  
32 made by the day established by federal law for making a state's final determination  
33 conclusive as to the counting of electoral votes by Congress.

34 In event of a tie for the national popular vote winner, the presidential elector  
35 certifying official of each member state shall certify the appointment of the elector slate

1 nominated in association with the presidential slate receiving the largest number of  
2 popular votes within that official's own state.

3 If, for any reason, the number of presidential electors nominated in a member state in  
4 association with the national popular vote winner is less than or greater than that state's  
5 number of electoral votes, the presidential candidate on the presidential slate that has  
6 been designated as the national popular vote winner may nominate the presidential  
7 electors for that state and that state's presidential elector certifying official shall certify  
8 the appointment of such nominees.

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

11 This article governs the appointment of presidential electors in each member state in  
12 any year in which this agreement is, on July 20th, in effect in states cumulatively  
13 possessing a majority of the electoral votes.

14 **§1304. Other provisions - Article 4**

15 This agreement takes effect when states cumulatively possessing a majority of the  
16 electoral votes have enacted this agreement in substantially the same form and the  
17 enactments by such states have taken effect in each state.

18 Any member state may withdraw from this agreement, except that a withdrawal  
19 occurring 6 months or less before the end of a President's term does not become effective  
20 until a President or Vice President has been qualified to serve the next term. The chief  
21 executive of each member state shall promptly notify the chief executive of all other  
22 states of when this agreement has been enacted and has taken effect in that official's state,  
23 when the state has withdrawn from this agreement and when this agreement takes effect  
24 generally.

25 This agreement terminates if the electoral college is abolished.

26 If any provision of this agreement is held invalid, the remaining provisions are not  
27 affected.

28 **§1305. Definitions - Article 5**

29 As used in this agreement, the following terms have the following meanings.

30 **1. Chief election official.** "Chief election official" means the state official or body  
31 that is authorized to certify the total number of popular votes for each presidential slate.

32 **2. Chief executive.** "Chief executive" means the governor of a state of the United  
33 States or the Mayor of the District of Columbia.

34 **3. Elector slate.** "Elector slate" means a slate of candidates who have been  
35 nominated in a state for the position of presidential elector in association with a  
36 presidential slate.

