

AMENDED IN ASSEMBLY APRIL 13, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 459

Introduced by Assembly Member Hill

(~~Coauthor: Assembly Member Nestande~~)

*(Coauthors: Assembly Members Beall, Eng, Huffman, Jeffries, Ma,
Mendoza, Nestande, and Williams)*

*(Coauthors: Senators Calderon, Emmerson, Hancock, Leno, Strickland,
Walters, and Wolk)*

February 15, 2011

An act to add Chapter 1.5 (commencing with Section 6920) to Part 2 of Division 6 of the Elections Code, relating to presidential elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 459, as amended, Hill. Electoral college: interstate compact.

Existing law provides for statewide election of a slate of electors to vote in the electoral college for President and Vice President of the United States. Under existing law, each political party selects its slate of presidential electors in accordance with statutory procedures that differ by party.

This bill would ratify a specified interstate compact that requires the chief election official of each signatory state to appoint the slate of presidential electors that was nominated in association with the presidential ticket that received the largest national popular vote total. This compact would only become effective if states cumulatively possessing a majority of the total electoral votes have ratified the compact.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 1.5 (commencing with Section 6920) is
2 added to Part 2 of Division 6 of the Elections Code, to read:

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CHAPTER 1.5. VOTING COMPACT

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6 6920. The Legislature of the State of California hereby
7 *approves and* ratifies the Agreement Among the States to Elect
8 the President by National Popular Vote as set forth in Section 6921.

9 6921. The provisions of the Agreement Among the States to
10 Elect the President by National Popular Vote are as follows:

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Article 1. Membership

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14 Any state of the United States and the District of Columbia
15 may become a member of this agreement by enacting this
16 agreement.

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18 Article 2. Right of the People in Member States to Vote for
19 President and Vice President

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

23

24 Article 3. Manner of Appointing Presidential Electors in
25 Member States

26

27 Prior to the time set by law for the meeting and voting by the
28 presidential electors, the chief election official of each member
29 state shall determine the number of votes for each presidential
30 slate in each state of the United States and in the District of
31 Columbia in which votes have been cast in a statewide popular
32 election and shall add such votes together to produce a “national
33 popular vote total” for each presidential slate.

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

4 The presidential elector certifying official of each member state
5 shall certify the appointment in that official’s own state of the
6 elector slate nominated in that state in association with the national
7 popular vote winner.

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

14 The chief election official of each member state shall treat as
15 conclusive an official statement containing the number of popular
16 votes in a state for each presidential slate made by the day
17 established by federal law for making a state’s final determination
18 conclusive as to the counting of electoral votes by Congress.

19 In event of a tie for the national popular vote winner, the
20 presidential elector certifying official of each member state shall
21 certify the appointment of the elector slate nominated in association
22 with the presidential slate receiving the largest number of popular
23 votes within that *official’s own* state.

24 If, for any reason, the number of presidential electors nominated
25 in a member state in association with the national popular vote
26 winner is less than or greater than that state’s number of electoral
27 votes, the presidential candidate on the presidential slate that has
28 been designated as the national popular vote winner shall have the
29 power to nominate the presidential electors for that state and that
30 state’s presidential elector certifying official shall certify the
31 appointment of such nominees.

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

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

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40 Article 4. Other Provisions

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

5 Any member state may withdraw from this agreement, except
6 that a withdrawal occurring six months or less before the end of a
7 President’s term shall not become effective until a President or
8 Vice President shall have been qualified to serve the next term.

9 The chief executive of each member state shall promptly notify
10 the chief executive of all other states of when this agreement has
11 been enacted and has taken effect in that official’s state, when the
12 state has withdrawn from this agreement, and when this agreement
13 takes effect generally.

14 This agreement shall terminate if the electoral college is
15 abolished.

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

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Article 5. Definitions

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22 For purposes of this agreement, “chief executive” shall mean
23 the governor of a state of the United States or the Mayor of the
24 District of Columbia; “elector slate” shall mean a slate of
25 candidates who have been nominated in a state for the position of
26 presidential elector in association with a presidential slate; “chief
27 election official” shall mean the state official or body that is
28 authorized to certify the total number of popular votes for each
29 presidential slate; “presidential elector” shall mean an elector for
30 President and Vice President of the United States; “presidential
31 elector certifying official” shall mean the state official or body
32 that is authorized to certify the appointment of the state’s
33 presidential electors; “presidential slate” shall mean a slate of two
34 persons, the first of whom has been nominated as a candidate for
35 President of the United States and the second of whom has been
36 nominated as a candidate for Vice President of the United States,
37 or any legal successors to such persons, regardless of whether both
38 names appear on the ballot presented to the voter in a particular
39 state; “state” shall mean a state of the United States and the District
of Columbia; and “statewide popular election” shall mean a general

- 1 election in which votes are cast for presidential slates by individual
- 2 voters and counted on a statewide basis.

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