



General Assembly

January Session, 2009

**Proposed Bill No. 5016**

LCO No. 35

Referred to Committee on Government Administration and Elections

Introduced by:

REP. DREW, 132<sup>nd</sup> Dist.  
REP. AYALA, 128<sup>th</sup> Dist.  
REP. CANDELARIA, 95<sup>th</sup> Dist.  
REP. CLEMONS, 124<sup>th</sup> Dist.  
REP. FLEISCHMANN, 18<sup>th</sup> Dist.  
REP. FONTANA, 87<sup>th</sup> Dist.  
REP. FOX, 146<sup>th</sup> Dist.  
REP. GIANNAROS, 21<sup>st</sup> Dist.  
REP. HENNESSY, 127<sup>th</sup> Dist.  
REP. JUTILA, 37<sup>th</sup> Dist.  
REP. MIOLI, 136<sup>th</sup> Dist.

REP. MORIN, 28<sup>th</sup> Dist.  
REP. NARDELLO, 89<sup>th</sup> Dist.  
REP. ROY, 119<sup>th</sup> Dist.  
REP. SPALLONE, 36<sup>th</sup> Dist.  
REP. THOMPSON, 13<sup>th</sup> Dist.  
REP. VILLANO, 91<sup>st</sup> Dist.  
REP. WRIGHT, 41<sup>st</sup> Dist.  
REP. ESPOSITO, 116<sup>th</sup> Dist.  
REP. URBAN, 43<sup>rd</sup> Dist.  
REP. CARUSO, 126<sup>th</sup> Dist.

***AN ACT CONCERNING AN AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT OF THE UNITED STATES BY NATIONAL POPULAR VOTE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       That the general statutes be amended to provide for an agreement  
2       adopted among the states to elect the President of the United States by  
3       the national popular vote rather than by the electoral college, as  
4       follows:

5       The Agreement Among the States to Elect the President by National  
6       Popular Vote is hereby enacted into law and entered into by this state

7 with all states legally joining therein in the form substantially as  
8 follows:

9       ARTICLE I. Membership

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

12       ARTICLE II. Right of the People in Member States to Vote for  
13 President and Vice President

14       Each member state shall conduct a state-wide popular election for  
15 President and Vice President of the United States.

16       ARTICLE III. Manner of Appointing Presidential Electors in  
17 Member States

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

25       The chief election official of each member state shall designate the  
26 presidential slate with the largest national popular vote total as the  
27 "national popular vote winner".

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

32       At least six days before the day fixed by law for the meeting and  
33 voting by the presidential electors, each member state shall make a  
34 final determination of the number of popular votes cast in the state for

35 each presidential slate and shall communicate an official statement of  
36 such determination within twenty-four hours to the chief election  
37 official of each other member state.

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

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

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

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

59 This article shall govern the appointment of presidential electors in  
60 each member state in any year in which this agreement is, on July  
61 twentieth, in effect in states cumulatively possessing a majority of the  
62 electoral votes.

63 ARTICLE IV. Other Provisions

64 This agreement shall take effect when states cumulatively  
65 possessing a majority of the electoral votes have enacted this  
66 agreement in substantially the same form and the enactments by such  
67 states have taken effect in each state.

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

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

77 This agreement shall terminate if the electoral college is abolished.

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

80 ARTICLE V. Definitions

81 For purposes of this agreement:

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

84 "Elector slate" shall mean a slate of candidates who have been  
85 nominated in a state for the position of presidential elector in  
86 association with a presidential slate;

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

90 "Presidential elector" shall mean an elector for President and Vice

91 President of the United States;

92 "Presidential elector certifying official" shall mean the state official  
93 or body that is authorized to certify the appointment of the state's  
94 presidential electors;

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

101 "State" shall mean a State of the United States and the District of  
102 Columbia; and

103 "State-wide popular election" shall mean a general election in which  
104 votes are cast for presidential slates by individual voters and counted  
105 on a state-wide basis.

***Statement of Purpose:***

To move towards implementing the Interstate National Compact regarding a national popular vote for the election of the President, rather than the electoral college system.