

HOUSE No. 678

By Messrs. Murphy of Burlington and Walsh of Boston, petition of Charles A. Murphy and others relative to the agreement among states to elect the President by national popular vote. Election Laws.

The Commonwealth of Massachusetts

PETITION OF:

Charles A. Murphy	Matthew C. Patrick
Martin J. Walsh	Jay R. Kaufman
Robert A. Havern	Mary E. Grant
James B. Eldridge	John W. Scibak
J. James Marzilli, Jr.	Frank I. Smizik
Kathi-Anne Reinstein	Lewis G. Evangelidis
Carl M. Sciortino, Jr.	Todd M. Smola
Patricia D. Jehlen	Cory Atkins
Brian P. Wallace	Douglas W. Petersen
Barbara A. L'Italien	Stephen Kulik

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO THE AGREEMENT AMONG 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 SECTION 1. The General Laws is hereby amended by
2 inserting after chapter __, as appearing in the 2004 Official Edi-
3 tion, the following chapter:—

4 Chapter ____.

5 Agreement Among The State To Elect The President Of The
6 United States By National Popular Vote

1 SECTION 2. Membership

2 Any State of the United States and the District of Columbia
3 may become a member of this agreement by enacting this agree-
4 ment.

1 SECTION 3. Right of the People in Member States to Vote for
2 President and Vice President

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

1 SECTION 4. Manner of Appointing Presidential Electors in
2 Member States

3 Prior to the time set by law for the meeting and voting by the
4 presidential electors, the chief election official of each member
5 state shall determine the number of votes for each presidential
6 slate in each State of the United States and in the District of
7 Columbia in which votes have been cast in a statewide popular
8 election and shall add such votes together to produce a “national
9 popular vote total” for each presidential slate. The chief election
10 official of each member state shall designate the presidential slate
11 with the largest national popular vote total as the “national pop-
12 ular vote winner.”

13 The presidential elector certifying official of each member state
14 shall certify the appointment in that official’s own state of the
15 elector slate nominated in that state in association with the
16 national popular vote winner.

17 At least six days before the day fixed by law for the meeting
18 and voting by the presidential electors, each member state shall
19 make a final determination of the number of popular votes cast in
20 the state for each presidential slate and shall communicate an offi-
21 cial statement of such determination within 24 hours to the chief
22 election official of each other member state.

23 The chief election official of each member state shall treat as
24 conclusive an official statement containing the number of popular
25 votes in a state for each presidential slate made by the day estab-
26 lished by federal law for making a state’s final determination con-
27 clusive as to the counting of electoral votes by Congress.

28 In event of a tie for the national popular vote winner, the presi-
29 dential elector certifying official of each member state shall cer-
30 tify the appointment of the elector slate nominated in association
31 with the presidential slate receiving the largest number of popular
32 votes within that official’s own state.

33 If, for any reason, the number of presidential electors nomi-
34 nated in a member state in association with the national popular

35 winner is less than or greater than that state's number of electoral
36 votes, the presidential candidate on the presidential slate that has
37 been designated as the national popular vote winner shall the
38 power to nominate the presidential electors for that state and that
39 state's presidential elector certifying official shall certify the
40 appointment of such nominees. The chief election official of each
41 member state shall immediately release to the public all vote
42 counts or statements of votes as they are determined or obtained.
43 This article shall govern the appointment of presidential elec-
44 tors in each member state in any year in which agreement is, on
45 July 20, in effect in states cumulatively possessing a majority of
46 the electoral votes

1 SECTION 5. Other Provisions.

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

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

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

15 This agreement shall terminate if the electoral college is abol-
16 ished.

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

1 SECTION 6. Definitions

2 For the purposes of this agreement,

3 "chief executive" shall mean the Governor of a state of the
4 United States or the Mayor of the District of Columbia;

5 "elector slate" shall mean a slate of candidates who have been
6 nominated in a state for the position of presidential elector in
7 association with a presidential slate;

8 “chief election official” shall mean the state official or body
9 that is authorized to certify the total number of popular votes for
10 each president slate;

11 “presidential elector” shall mean an elector for the President
12 and Vice President of the United States;

13 “presidential elector certifying official” shall mean the state
14 official or body that is authorized to certify the appointment of the
15 state's presidential electors;

16 “presidential slate” shall mean a slate of two persons, the first
17 of whom has been nominated as a candidate for the President of
18 the United States and the second of whom has been nominated as
19 a candidate for Vice President of the United States, or any legal
20 successors to such persons, regardless of whether both names
21 appear on the ballot presented to the voter in a particular state;

22 “state” shall mean a State of the United States and the District
23 of Columbia; and

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