

HOUSE No. 660

The Commonwealth of Massachusetts

PRESENTED BY:

Charles A. Murphy, Garrett J. Bradley

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:
An Act relative to the agreement among states to elect the President by national popular vote.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Carlo P. Basile	1st Suffolk
Garrett J. Bradley	3rd Plymouth
James Dwyer	30th Middlesex
Lori Ehrlich	8th Essex
Jay R. Kaufman	15th Middlesex
John D. Keenan	7th Essex
William Lantigua	16th Essex
Charles A. Murphy	21st Middlesex
Byron Rushing	9th Suffolk
Tom Sannicandro	7th Middlesex
Cleon H. Turner	1st Barnstable
Alice K. Wolf	25th Middlesex
Geraldo Alicea	6th Worcester
Cory Atkins	14th Middlesex
Theodore C. Speliotis	13th Essex
Frank I. Smizik	15th Norfolk
William Smitty Pignatelli	4th Berkshire
Martha M. Walz	8th Suffolk
Steven J. D'Amico	4th Bristol
John P. Fresolo	16th Worcester
Cheryl A. Coakley-Rivera	10th Hampden
Stephen Kulik	1st Franklin
Antonio F.D. Cabral	13th Bristol
Carl M. Sciortino, Jr.	34th Middlesex
Sarah K. Peake	4th Barnstable
David B. Sullivan	6th Bristol
James J. O'Day	14th Worcester District
Louis L. Kafka	8th Norfolk
Mark V. Falzone	9th Essex
Christopher J. Donelan	2nd Franklin

Peter v. Kocot	1st Hampshire
Anne M. Gobi	5th Worcester
Brian P. Wallace	4th Suffolk
Timothy J. Toomey, Jr.	26th Middlesex
Joyce A. Spiliotis	12th Essex
Denise Provost	27th Middlesex
Kay Khan	11th Middlesex
Alice Hanlon Peisch	14th Norfolk
John W. Scibak	2nd Hampshire
Mary E. Grant	6th Essex
Kevin J. Murphy	18th Middlesex
Michael J. Moran	18th Suffolk
Thomas M. Stanley	9th Middlesex
Robert L. Rice, Jr.	2nd Worcester
Paul McMurtry	11th Norfolk
Jonathan Hecht	29th Middlesex
Pam Richardson	6th Middlesex
James B. Eldridge	Middlesex and Worcester
Christopher J. Donelan	2nd Franklin
James E. Vallee	10th Norfolk
Barry R. Finegold	17th Essex
Thomas P. Conroy	13th Middlesex
Martin J. Walsh	13th Suffolk
Denis E. Guyer	2nd Berkshire
Karen E. Spilka	Second Middlesex and Norfolk
Robert A. O'Leary	Cape and Islands
Anthony W. Petruccelli	First Suffolk and Middlesex
Alice Hanlon Peisch	14th Norfolk
James R. Miceli	19th Middlesex
Cynthia Stone Creem	First Middlesex and Norfolk
Kevin Aguiar	7th Bristol
Sean Garballey	23rd Middlesex
Demetrius J. Atsalis	Second Barnstable
Bill Bowles	2nd Bristol
James Cantwell	4th Plymouth

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 678 OF 2007-2008.]

The Commonwealth of Massachusetts

—————
In the Year Two Thousand and Nine
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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:*

SECTION 1. The General Laws is hereby amended by inserting after chapter __, as appearing in the 2004
Official Edition, the following chapter: -

Chapter ____.

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

SECTION 2. Membership

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

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

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

SECTION 4. Manner of Appointing Presidential Electors in Member States

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

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

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

shall communicate an official statement of such determination within 24 hours to the chief election official of each other member state.

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

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

If, for any reason, the number of presidential electors nominated in a member state in association with the national popular winner is less than or greater than that state's number of electoral votes, the presidential candidate on the presidential slate that has been designated as the national popular vote winner shall have the power to nominate the presidential electors for that state and that state's presidential elector certifying official shall certify the appointment of such nominees. The chief election official of each member state shall immediately release to the public all vote counts or statements of votes as they are determined or obtained.

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

SECTION 5 Other Provisions

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

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

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

This agreement shall terminate if the electoral college is abolished.

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

SECTION 6 Definitions

For the purposes of this agreement,

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

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

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

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

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

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

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

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