

SENATE NO. 445

AN ACT TO ENTER INTO THE AGREEMENT AMONG THE 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 Commonwealth of Massachusetts hereby ratifies the Agreement Among the
2 States to Elect the President by National Popular Vote.

3 Section 2. Chapter 53 of the General Laws, as appearing in the 2006 Official Edition, is hereby
4 amended by inserting after Section 151 a new Section 152, setting forth the provisions of the
5 Agreement Among the States to Elect the President by National Popular Vote, to read:

6 Agreement Among the States to Elect the President by National Popular Vote

7 Article I - Membership

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

10 Article II - Right of the People in Member States to Vote for President and Vice President

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

13 Article III - Manner of Appointing Presidential Electors in Member States.

14 Prior to the time set by law for the meeting and voting by the presidential electors, the chief
15 election official of each member state shall determine the number of votes for each presidential
16 slate in each State of The United States and in the District of Columbia in which votes have

17 been cast in a statewide popular election and shall add such votes together to produce a
18 "national popular vote total" for each presidential slate.

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

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

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

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

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

36 If, for any reason, the number of presidential electors nominated in a member state in
37 association with the national popular vote winner is less than or greater than that state's number
38 of electoral votes, the presidential candidate on the presidential slate that has been designated as
39 the national popular vote winner shall have the power to nominate the presidential electors for

40 that state and that state's presidential elector certifying official shall certify the appointment of
41 such nominees. The chief election official of each member state shall immediately release to the
42 public all vote counts or statements of votes as they are determined or obtained.

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

46 Article IV - Other Provisions

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

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

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

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

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

58 Article V - Definitions

59 For purposes of this agreement,

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

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

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

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

68 "presidential elector certifying official" shall mean the state official or body that is authorized to
69 certify the appointment of the state's presidential electors;

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

75 "state" shall mean a State of the United States and the District of Columbia; and

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