

SENATE No. 353

The Commonwealth of Massachusetts

PRESENTED BY:

Joan M. Menard

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 the states to elect the president by national popular vote.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|------------------------|------------------------------|
| Joan M. Menard | First Bristol and Plymouth |
| Susan C. Tucker | Second Essex and Middlesex |
| Harriette L. Chandler | First Worcester |
| Patricia D. Jehlen | Second Middlesex |
| Thomas P. Kennedy | Second Plymouth and Bristol |
| Kenneth J. Donnelly | Fourth Middlesex |
| James B. Eldridge | Middlesex and Worcester |
| Karen E. Spilka | Second Middlesex and Norfolk |
| Anthony W. Petruccelli | First Suffolk and Middlesex |
| Robert A. O'Leary | Cape and Islands |
| Cynthia Stone Creem | First Middlesex and Norfolk |
| Thomas M. McGee | Third Essex and Middlesex |

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00452 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO 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
2 Among the States to Elect the President by National Popular Vote.

3 SECTION 2. The General Laws is hereby amended by inserting after chapter 54, as
4 appearing in the 2006 Official Edition, the following chapter: -

5 Chapter 54B.

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
11 President.

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

14 ARTICLE III. Manner of Appointing Presidential Electors in Member States

15 Prior to the time set by law for the meeting and voting by the presidential electors, the chief
16 election official of each member state shall determine the number of votes for each presidential

17 slate in each State of the United States and in the District of Columbia in which votes have been
18 cast in a statewide popular election and shall add such votes together to produce a “national
19 popular vote total” for each presidential slate.

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

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

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

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

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

37 If, for any reason, the number of presidential electors nominated in a member state in
38 association with the national popular vote winner is less than or greater than that state’s number
39 of electoral votes, the presidential candidate on the presidential slate that has been designated as
40 the national popular vote winner shall have the power to nominate the presidential electors for
41 that state and that state’s presidential elector certifying official shall certify the appointment of
42 such nominees.

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

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

48 ARTICLE IV. Other Provisions

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

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

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

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

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

62 ARTICLE V. Definitions

63 For purposes of this agreement,

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

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

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

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

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

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

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

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