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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

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A N A C T

RELATING TO ELECTIONS

Introduced By: Senators Connors, DaPonte, Miller, Perry, and Goodwin

Date Introduced: February 03, 2009

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 17 of the General Laws entitled "ELECTIONS" is hereby amended by
2 adding thereto the following chapter:

3 CHAPTER 4.2

4 AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL

5 POPULAR VOTE

6 **17-4.2-1. Membership.** – Any state of the United States and the District of Columbia
7 may become a member of this agreement by enacting this agreement.

8 **17-4.2-2. Right of the people in member states to vote for president and vice**
9 **president.** – Each member state shall conduct a statewide popular election for president and vice
10 president of the United States.

11 **17-4.2-3. Manner of appointing presidential electors in member states.** – Prior to the
12 time set by law for the meeting and voting by the presidential electors, the chief election official
13 of each member state shall determine the number of votes for each presidential slate in each state
14 of the United States and in the District of Columbia in which votes have been cast in a statewide
15 popular election and shall add such votes together to produce a "national popular vote total" for
16 each presidential slate.

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

19 The presidential elector certifying official of each member state shall certify the

1 appointment in that official's own state of the elector slate nominated in that state in association
2 with the national popular vote winner.

3 At least six (6) days before the day fixed by law for the meeting and voting by the
4 presidential electors, each member state shall make a final determination of the number of
5 popular votes cast in the state for each presidential slate and shall communicate an official
6 statement of such determination within twenty-four (24) hours to the chief election official of
7 each other member state.

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

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

16 If, for any reason, the number of presidential electors nominated in a member state in
17 association with the national popular vote winner is less than or greater than that state's number of
18 electoral votes, the presidential candidate on the presidential slate that has been designated as the
19 national popular vote winner shall have the power to nominate the presidential electors for that
20 state and that state's presidential elector certifying official shall certify the appointment of such
21 nominees.

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

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

27 **17-4.2-4. Other provisions.** – This agreement shall take effect when states cumulatively
28 possessing a majority of the electoral votes have enacted this agreement in substantially the same
29 form and the enactments by such states have taken effect in each state.

30 Any member state may withdraw from this agreement, except that a withdrawal
31 occurring six (6) months or less before the end of a president's term shall not become effective
32 until a president or vice president shall have been qualified to serve the next term.

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

1 when the state has withdrawn from this agreement, and when this agreement takes effect
2 generally.

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

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

6 **17-4.2-5. Definitions.** – For purposes of this agreement:

7 (1) "Chief executive" shall mean the governor of a state of the United States or the mayor
8 of the District of Columbia;

9 (2) "Elector slate" shall mean a slate of candidates who have been nominated in a state
10 for the position of presidential elector in association with a presidential slate;

11 (3) "Chief election official" shall mean the state official or body that is authorized to
12 certify the total number of popular votes for each presidential slate;

13 (4) "Presidential elector" shall mean an elector for president and vice president of the
14 United States;

15 (5) "Presidential elector certifying official" shall mean the state official or body that is
16 authorized to certify the appointment of the state's presidential electors;

17 (6) "Presidential slate" shall mean a slate of two (2) persons, the first of whom has been
18 nominated as a candidate for president of the United States and the second of whom has been
19 nominated as a candidate for vice president of the United States, or any legal successors to such
20 persons, regardless of whether both names appear on the ballot presented to the voter in a
21 particular state;

22 (7) "State" shall mean a state of the United States and the District of Columbia; and

23 (8) "Statewide popular election" shall mean a general election in which votes are cast for
24 presidential slates by individual voters and counted on a statewide basis.

25 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would join Rhode Island in an agreement among states to elect the president and
- 2 vice president by national popular vote.
- 3 This act would take effect upon passage.

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