

1 H.103
2 Introduced by Representatives Jerman of Essex, Aswad of Burlington, Atkins
3 of Winooski, Bartholomew of Hartland, Bissonnette of
4 Winooski, Bohi of Hartford, Branagan of Georgia, Burke of
5 Brattleboro, Cheney of Norwich, Consejo of Sheldon, Courcelle
6 of Rutland City, Dakin of Chester, Davis of Washington, Deen
7 of Westminster, Donahue of Northfield, Donovan of
8 Burlington, Edwards of Brattleboro, Emmons of Springfield,
9 Evans of Essex, Fisher of Lincoln, Font-Russell of Rutland
10 City, Frank of Underhill, French of Shrewsbury, French of
11 Randolph, Gilbert of Fairfax, Grad of Moretown, Haas of
12 Rochester, Head of South Burlington, Heath of Westford,
13 Hooper of Montpelier, Howrigan of Fairfield, Kitzmiller of
14 Montpelier, Klein of East Montpelier, Krebs of South Hero,
15 Kupersmith of South Burlington, Lanpher of Vergennes, Larson
16 of Burlington, Lenes of Shelburne, Lippert of Hinesburg,
17 Lorber of Burlington, Macaig of Williston, Malcolm of Pawlet,
18 Marek of Newfane, Martin of Springfield, Martin of Wolcott,
19 Masland of Thetford, McCullough of Williston, Miller of
20 Shaftsbury, Minter of Waterbury, Mitchell of Barnard, Moran
21 of Wardsboro, Mrowicki of Putney, Munger of South

1 Burlington, Nease of Johnson, Nuovo of Middlebury, O'Brien
2 of Richmond, Obuchowski of Rockingham, Partridge of
3 Windham, Peltz of Woodbury, Poirier of Barre City, Potter of
4 Clarendon, Pugh of South Burlington, Ram of Burlington,
5 Shand of Weathersfield, Sharpe of Bristol, South of St.
6 Johnsbury, Spengler of Colchester, Stevens of Waterbury,
7 Stevens of Shoreham, Taylor of Barre City, Till of Jericho, Toll
8 of Danville, Waite-Simpson of Essex, Webb of Shelburne,
9 Weston of Burlington, Wilson of Manchester, Wizowaty of
10 Burlington, Wright of Burlington, Yantachka of Charlotte and
11 Young of Albany

12 Referred to Committee on

13 Date:

14 Subject: Elections; president; national popular vote; agreement among the
15 states

16 Statement of purpose: This bill proposes to adopt the Agreement Among the
17 States to Elect the President by National Popular Vote.

18 An act relating to the Agreement Among the States to Elect the President by
19 National Popular Vote

20 It is hereby enacted by the General Assembly of the State of Vermont:

1 Sec. 1. 17 V.S.A. chapter 58 is added to read:

2 CHAPTER 58. AGREEMENT AMONG THE STATES TO ELECT THE
3 PRESIDENT BY NATIONAL POPULAR VOTE

4 § 2751. ARTICLE I—MEMBERSHIP

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

7 § 2752. ARTICLE II—RIGHT OF THE PEOPLE IN MEMBER STATES TO
8 VOTE FOR PRESIDENT AND VICE PRESIDENT

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

11 § 2753. ARTICLE III—MANNER OF APPOINTING PRESIDENTIAL
12 ELECTORS IN MEMBER STATES

13 (a) Prior to the time set by law for the meeting and voting by the
14 presidential electors, the chief election official of each member state shall
15 determine the number of votes for each presidential slate in each State of the
16 United States and in the District of Columbia in which votes have been cast in
17 a statewide popular election and shall add such votes together to produce a
18 “national popular vote total” for each presidential slate.

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

1 (c) The presidential elector certifying official of each member state shall
2 certify the appointment in that official's own state of the elector slate
3 nominated in that state in association with the national popular vote winner.

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

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

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

19 (g) If, for any reason, the number of presidential electors nominated in a
20 member state in association with the national popular vote winner is less than
21 or greater than that state's number of electoral votes, the presidential candidate

1 on the presidential slate that has been designated as the national popular vote
2 winner shall have the power to nominate the presidential electors for that state
3 and that state's presidential elector certifying official shall certify the
4 appointment of such nominees.

5 (h) The chief election official of each member state shall immediately
6 release to the public all vote counts or statements of votes as they are
7 determined or obtained.

8 (i) This article shall govern the appointment of presidential electors in each
9 member state in any year in which this agreement is, on July 20, in effect in
10 states cumulatively possessing a majority of the electoral votes.

11 § 2754. ARTICLE IV—OTHER PROVISIONS

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

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

19 (c) The chief executive of each member state shall promptly notify the
20 chief executive of all other states of when this agreement has been enacted and

1 has taken effect in that official's state, when the state has withdrawn from this
2 agreement, and when this agreement takes effect generally.

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

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

6 § 2755. ARTICLE V-DEFINITIONS

7 For purposes of this agreement:

8 (1) "Chief election official" shall mean the state official or body that is
9 authorized to certify the total number of popular votes for each presidential
10 slate.

11 (2) "Chief executive" shall mean the governor of a state of the United
12 States or the mayor of the District of Columbia.

13 (3) "Elector slate" shall mean a slate of candidates who have been
14 nominated in a state for the position of presidential elector in association with a
15 presidential slate.

16 (4) "Presidential elector" shall mean an elector for President and Vice
17 President of the United States.

18 (5) "Presidential elector certifying official" shall mean the state official
19 or body that is authorized to certify the appointment of the state's presidential
20 electors.

1 (6) “Presidential slate” shall mean a slate of two persons, the first of
2 whom has been nominated as a candidate for President of the United States and
3 the second of whom has been nominated as a candidate for Vice President of
4 the United States, or any legal successors to such persons, regardless of
5 whether both names appear on the ballot presented to the voter in a particular
6 state.

7 (7) “State” shall mean a state of the United States and the District of
8 Columbia; and

9 (8) “Statewide popular election” shall mean a general election in which
10 votes are cast for presidential slates by individual voters and counted on a
11 statewide basis.