

1 H.153

2 Introduced by Representatives Jerman of Essex, Donahue of Northfield, Ancel  
3 of Calais, Atkins of Winooski, Bray of New Haven, Burke of  
4 Brattleboro, Cheney of Norwich, Consejo of Sheldon, Courcelle  
5 of Rutland City, Devereux of Mount Holly, Donovan of  
6 Burlington, Edwards of Brattleboro, Evans of Essex, Heath of  
7 Westford, Kitzmiller of Montpelier, Krawczyk of Bennington,  
8 Larson of Burlington, Leriche of Hardwick, Lorber of  
9 Burlington, Maier of Middlebury, Malcolm of Pawlet, Martin of  
10 Springfield, Martin of Wolcott, Masland of Thetford,  
11 McAllister of Highgate, Milkey of Brattleboro, Minter of  
12 Waterbury, Mitchell of Barnard, Nuovo of Middlebury, O'Brien  
13 of Richmond, Partridge of Windham, Rodgers of Glover, Shand  
14 of Weathersfield, Stevens of Shoreham, Trombley of Grand Isle  
15 and Waite-Simpson of Essex

16 Referred to Committee on

17 Date:

18 Subject: Elections; president; national popular vote; agreement among the  
19 states

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



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

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

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

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

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

1       (g) If, for any reason, the number of presidential electors nominated in a  
2       member state in association with the national popular vote winner is less than  
3       or greater than that state's number of electoral votes, the presidential candidate  
4       on the presidential slate that has been designated as the national popular vote  
5       winner shall have the power to nominate the presidential electors for that state  
6       and that state's presidential elector certifying official shall certify the  
7       appointment of such nominees.

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

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

14       § 2754. ARTICLE IV—OTHER PROVISIONS

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

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

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

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

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

8        § 2755. ARTICLE V-DEFINITIONS

9        For purposes of this agreement:

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

13        (2) "chief executive" shall mean the governor of a state of the United  
14        States or the mayor of the District of Columbia.

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

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

1           (5) “Presidential elector certifying official” shall mean the state official  
2           or body that is authorized to certify the appointment of the state’s presidential  
3           electors.

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

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

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