HOUSE BILL 1750

State of Washington 60th Legislature 2007 Regular Session

By Representatives McDermott, Hankins, Miloscia, Armstrong, Jarrett and Campbell

Read first time . Referred to .

- AN ACT Relating to electing the president of the United States by national popular vote; amending RCW 29A.56.320; adding a new section to
- 3 chapter 29A.56 RCW; and providing a contingent effective date.
- 4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
- 5 <u>NEW SECTION.</u> **Sec. 1.** A new section is added to chapter 29A.56 RCW 6 to read as follows:
- 7 The governor may enter into an interstate agreement on behalf of
- 8 this state with any other state or states that have enacted an
- 9 interstate agreement that is substantially similar to the following:
- 10 INTERSTATE AGREEMENT FOR THE ELECTION OF THE PRESIDENT OF THE UNITED
- 11 STATES BY NATIONAL POPULAR VOTE
- 12 The contracting states solemnly agree:
- 13 ARTICLE I Membership
- 14 Any state of the United States and the District of Columbia may
- 15 become a member of this agreement by enacting this agreement.

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1 ARTICLE II - Right of the People in Member States to Vote 2 for President and Vice President

Each member state shall conduct a statewide popular election for president and vice president of the United States.

ARTICLE III - Definitions

For the purposes of this agreement:

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- 7 (a) "Chief election official" means the state official or body that 8 certifies the total number of popular votes for each presidential 9 slate.
 - (b) "Chief executive" means the governor of a state of the United States or the mayor of the District of Columbia.
 - (c) "Elector slate" means a slate of candidates who have been nominated in a state for the position of presidential elector in association with a presidential slate.
 - (d) "Presidential elector" means an elector for president and vice president of the United States.
 - (e) "Presidential elector certifying official" means the state official or body that certifies the appointment of the state's presidential electors.
 - (f) "Presidential slate" means a slate of two persons, the first of whom has been nominated as a candidate for president of the United States and the second of whom has been nominated as a candidate for vice president of the United States. This includes any legal successors to such persons, regardless of whether both names appear on the ballot presented to the voter in a particular state.
 - (g) "State" means a state of the United States or the District of Columbia.
 - (h) "Statewide popular election" means a general election in which votes are cast for presidential slates by individual voters and counted on a statewide basis.

31 ARTICLE IV - Manner of Appointing Presidential Electors 32 in Member States

33 (a) Before the presidential electors meet and vote on the date set 34 by federal law, the chief election official of each member state must 35 determine the number of votes cast for each presidential slate in each 36 state of the United States and in the District of Columbia. The votes

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must be added together to produce a national popular vote total for each presidential slate.

- (b) The chief election official of each member state must designate the presidential slate with the largest national popular vote total as that national popular vote winner.
- (c) The presidential elector certifying official of each member state must certify the appointment in that official's own state of the elector slate nominated in that state in association with the national popular vote winner.
- (d) At least six days before the day fixed by federal law for the meeting and voting by the presidential electors, each member state must make a final determination of the number of popular votes cast in the state for each presidential slate and must communicate an official statement of such determination within twenty-four hours to the chief election official of each other member state.
- (e) The chief election official of each member state must treat as conclusive an official statement containing the number of popular votes in a state for each presidential slate made by the day established by federal law for making a state's final determination conclusive as to the counting of electoral votes by congress.
- (f) If there is a tie for the national popular vote winner, the presidential elector certifying official of each member state must certify the appointment of the elector slate nominated in association with the presidential slate receiving the largest number of popular votes within that official's own state.
- (g) If the number of presidential electors nominated in a member state in association with the national popular vote winner is less than or greater than that state's number of electoral votes, the presidential candidate on the presidential slate that has been designated as the national popular vote winner may nominate the presidential electors for that state and that state's presidential elector certifying official shall certify the appointment of such nominees.
- (h) The chief election official of each member state must immediately release to the public all vote counts or statements of votes as they are determined or obtained.
 - (i) This article governs the appointment of presidential electors

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- 1 in each member state in any year in which this agreement is, on July
- 2 20th, in effect in states cumulatively possessing a majority of the
- 3 electoral votes.

4 ARTICLE V - Other Provisions

- 5 (a) Any member state may withdraw from this agreement, except that 6 a withdrawal occurring six months or less before the end of a 7 president's term does not become effective until a president or vice 8 president has been qualified to serve the next term.
- 9 (b) The chief executive of each member state shall promptly notify 10 the chief executive of all other states of when this agreement has been 11 enacted and has taken effect in that official's state, when the state 12 has withdrawn from this agreement, and when this agreement takes effect 13 generally.
- 14 (c) This agreement terminates if the electoral college is abolished.
- 16 **Sec. 2.** RCW 29A.56.320 and 2003 c 111 s 1425 are each amended to read as follows:

In the year in which a presidential election is held, each major 18 political party and each minor political party or independent candidate 19 convention held under chapter 29A.20 RCW that nominates candidates for 20 president and vice president of the United States shall nominate 21 22 presidential electors for this state. The party or convention shall file with the secretary of state a certificate signed by the presiding 23 officer of the convention at which the presidential electors were 24 chosen, listing the names and addresses of the presidential electors. 25 26 Each presidential elector shall execute and file with the secretary of 27 state a pledge that, as an elector, he or she will vote for the candidates nominated by that party. The names of presidential electors 28 29 shall not appear on the ballots. ((The votes cast for candidates for president and vice president of each political party shall be counted 30 for the candidates for presidential electors of that political party.)) 31 32 Final appointment of presidential electors must be in accordance with section 1 of this act, the interstate agreement for the election of the 33 president of the United States by national popular vote. 34

35 <u>NEW SECTION.</u> **Sec. 3.** If any provision of this act or its

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application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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NEW SECTION. Sec. 4. This act takes effect when states cumulatively possessing a majority of the electoral votes have enacted this agreement in substantially the same form and the enactments by these states have taken effect in each state.

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