
SENATE BILL 5628

State of Washington

60th Legislature

2007 Regular Session

By Senators Oemig, Fairley, Pridemore and Kohl-Welles

Read first time 01/25/2007. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to electing the president of the United States by
2 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 NEW SECTION. **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.

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

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

5 ARTICLE III - Definitions

6 For the purposes of this agreement:

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.

10 (b) "Chief executive" means the governor of a state of the United
11 States or the mayor of the District of Columbia.

12 (c) "Elector slate" means a slate of candidates who have been
13 nominated in a state for the position of presidential elector in
14 association with a presidential slate.

15 (d) "Presidential elector" means an elector for president and vice
16 president of the United States.

17 (e) "Presidential elector certifying official" means the state
18 official or body that certifies the appointment of the state's
19 presidential electors.

20 (f) "Presidential slate" means a slate of two persons, the first of
21 whom has been nominated as a candidate for president of the United
22 States and the second of whom has been nominated as a candidate for
23 vice president of the United States. This includes any legal
24 successors to such persons, regardless of whether both names appear on
25 the ballot presented to the voter in a particular state.

26 (g) "State" means a state of the United States or the District of
27 Columbia.

28 (h) "Statewide popular election" means a general election in which
29 votes are cast for presidential slates by individual voters and counted
30 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

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

3 (b) The chief election official of each member state must designate
4 the presidential slate with the largest national popular vote total as
5 that national popular vote winner.

6 (c) The presidential elector certifying official of each member
7 state must certify the appointment in that official's own state of the
8 elector slate nominated in that state in association with the national
9 popular vote winner.

10 (d) At least six days before the day fixed by federal law for the
11 meeting and voting by the presidential electors, each member state must
12 make a final determination of the number of popular votes cast in the
13 state for each presidential slate and must communicate an official
14 statement of such determination within twenty-four hours to the chief
15 election official of each other member state.

16 (e) The chief election official of each member state must treat as
17 conclusive an official statement containing the number of popular votes
18 in a state for each presidential slate made by the day established by
19 federal law for making a state's final determination conclusive as to
20 the counting of electoral votes by congress.

21 (f) If there is a tie for the national popular vote winner, the
22 presidential elector certifying official of each member state must
23 certify the appointment of the elector slate nominated in association
24 with the presidential slate receiving the largest number of popular
25 votes within that official's own state.

26 (g) If the number of presidential electors nominated in a member
27 state in association with the national popular vote winner is less than
28 or greater than that state's number of electoral votes, the
29 presidential candidate on the presidential slate that has been
30 designated as the national popular vote winner may nominate the
31 presidential electors for that state and that state's presidential
32 elector certifying official shall certify the appointment of such
33 nominees.

34 (h) The chief election official of each member state must
35 immediately release to the public all vote counts or statements of
36 votes as they are determined or obtained.

37 (i) This article governs the appointment of presidential electors

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
15 abolished.

16 **Sec. 2.** RCW 29A.56.320 and 2003 c 111 s 1425 are each amended to
17 read as follows:

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

35 NEW SECTION. **Sec. 3.** If any provision of this act or its

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

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

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