

HOUSE No. 4156

The Commonwealth of Massachusetts

By Mr. Moran of Boston, for the committee on Election Laws, on Senate, No. 353 and House, No. 660, a Bill relative to the agreement among the states to elect the President by national popular vote (House, No. 4156) [Representatives Smith of Everett, Frost of Auburn and Jones of North Reading, dissenting]. July 2, 2009.

An Act relative to the agreement among the states to elect the President by national popular vote

FOR THE COMMITTEE:

NAME:	DISTRICT/ADDRESS:
Michael J. Moran	18th Suffolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act relative to the agreement among the states to elect the President by national popular vote.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The Commonwealth of Massachusetts hereby ratifies the Agreement Among the States to Elect the President by National Popular Vote.

SECTION 2. The General Laws is hereby amended by inserting after chapter 54, as appearing in the 2006 Official Edition, the following chapter: -

Chapter 54B.

Agreement Among The States To Elect The President By National Popular Vote

Article I—Membership

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

Article II—Right of the People in Member States to Vote 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—Manner of Appointing Presidential Electors in Member States

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

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

21 The presidential elector certifying official of each member state shall certify the appointment in that
22 official’s own state of the elector slate nominated in that state in association with the national popular
23 vote winner.

24 At least six days before the day fixed by law for the meeting and voting by the presidential electors, each
25 member state shall make a final determination of the number of popular votes cast in the state for each
26 presidential slate and shall communicate an official statement of such determination within 24 hours to
27 the chief election official of each other member state.

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

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

34 If, for any reason, the number of presidential electors nominated in a member state in association with the
35 national popular vote winner is less than or greater than that state’s number of electoral votes, the
36 presidential candidate on the presidential slate that has been designated as the national popular vote
37 winner shall have the power to nominate the presidential electors for that state and that state’s presidential
38 elector certifying official shall certify the appointment of such nominees. The chief election official of
39 each member state shall immediately release to the public all vote counts or statements of votes as they
40 are determined or obtained.

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

44 **Article IV—Other Provisions**

45 This agreement shall take effect when states cumulatively possessing a majority of the electoral votes
46 have enacted this agreement in substantially the same form and the enactments by such states have taken
47 effect in each state.

48 Any member state may withdraw from this agreement, except that a withdrawal occurring six months or
49 less before the end of a President’s term shall not become effective until a President or Vice President
50 shall have been qualified to serve the next term.

51 The chief executive of each member state shall promptly notify the chief executive of all other states of
52 when this agreement has been enacted and has taken effect in that official’s state, when the state has
53 withdrawn from this agreement, and when this agreement takes effect generally.

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

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

56 **Article V–Definitions**

57 For purposes of this agreement,

58 “chief executive” shall mean the Governor of a State of the United States or the Mayor of the District of
59 Columbia;

60 “elector slate” shall mean a slate of candidates who have been nominated in a state for the position of
61 presidential elector in association with a presidential slate;

62 “chief election official” shall mean the state official or body that is authorized to certify the total number
63 of popular votes for each presidential slate;

64 “presidential elector” shall mean an elector for President and Vice President of the United States;

65 “presidential elector certifying official” shall mean the state official or body that is authorized to certify
66 the appointment of the state’s presidential electors;

67 “presidential slate” shall mean a slate of two persons, the first of whom has been nominated as a
68 candidate for President of the United States and the second of whom has been nominated as a candidate
69 for Vice President of the United States, or any legal successors to such persons, regardless of whether
70 both names appear on the ballot presented to the voter in a particular state;

71 “state” shall mean a State of the United States and the District of Columbia; and

72 “statewide popular election” shall mean a general election in which votes are cast for presidential slates
73 by individual voters and counted on a statewide basis.