

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Charles A. Murphy, Garrett J. Bradley

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Carlo P. Basile	1st Suffolk
Garrett J. Bradley	3rd Plymouth
James Dwyer	30th Middlesex
Lori Ehrlich	8th Essex
Jay R. Kaufman	15th Middlesex
John D. Keenan	7th Essex
William Lantigua	16th Essex
Charles A. Murphy	21st Middlesex
Byron Rushing	9th Suffolk
Tom Sannicandro	7th Middlesex
Cleon H. Turner	1st Barnstable
Alice K. Wolf	25th Middlesex
Geraldo Alicea	6th Worcester
Cory Atkins	14th Middlesex
Theodore C. Speliotis	13th Essex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 678 OF 2007-2008.]

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
—————

AN ACT RELATIVE TO THE AGREEMENT AMONG 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:*

1 SECTION 1. The General Laws is hereby amended by inserting after chapter __, as appearing in the 2004
2 Official Edition, the following chapter: -

3

4 Chapter ____.

5

6 Agreement Among The State To Elect The President Of The United States By National Popular Vote

7

8 SECTION 2. Membership

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

11

12 SECTION 3. Right of the People in Member States to Vote for President and Vice President

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

15

16 SECTION 4. Manner of Appointing Presidential Electors in Member States

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

23

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

26

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

31

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

35

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

39

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

46

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

49

50 SECTION 5. Other Provisions

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

53

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

57

58 The chief executive of each member state shall promptly notify the chief executive of all other states of when this
59 agreement has been enacted and has taken effect in that official's state, when the state has withdrawn from this
60 agreement, and when this agreement take effect generally.

61

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

63

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

65

66 SECTION 6. Definitions

67 For the purposes of this agreement,

68 "chief executive" shall mean the Governor of a state of the United States or the Mayor of the District of Columbia;

69 "elector slate" shall mean a slate of candidates who have been nominated in a state for the position of presidential
70 elector in association with a presidential slate;

71 "chief election official" shall mean the state official or body that is authorized to certify the total number of popular
72 votes for each president slate;

73 "presidential elector" shall mean an elector for the President and Vice President of the United States;

74 "presidential elector certifying official" shall mean the state official or body that is authorized to certify the
75 appointment of the state's presidential electors;

76 "presidential slate" shall mean a slate of two persons, the first of whom has been nominated as a candidate for the
77 President of the United States and the second of whom has been nominated as a candidate for Vice President of the
78 United States, or any legal successors to such persons, regardless of whether both names appear on the ballot
79 presented to the voter in a particular state;

80 "state" shall mean a State of the United States and the District of Columbia; and

81 "statewide popular election" shall mean a general election in which votes are cast for presidential slates by
82 individual voters and counted on a statewide basis.