

1 S.31

2 Introduced by Senators Miller, Ashe, Ayer, Giard, Hartwell, Kittell, Lyons,

3 McCormack, Pollina and White

4 Referred to Committee on Government Operations

5 Date: January 25, 2011

6 Subject: Elections; president; national popular vote; agreement among the

7 states

8 Statement of purpose: This bill proposes to adopt the Agreement Among the

9 States to Elect the President by National Popular Vote.

10 An act relating to the Agreement Among the States to Elect the President by
11 National Popular Vote

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 17 V.S.A. chapter 58 is added to read:

14 CHAPTER 58. AGREEMENT AMONG THE STATES TO ELECT THE

15 PRESIDENT BY NATIONAL POPULAR VOTE

16 § 2751. ARTICLE I—MEMBERSHIP

17 Any state of the United States and the District of Columbia may become a

18 member of this agreement by enacting this agreement.

1 § 2752. ARTICLE II–RIGHT OF THE PEOPLE IN MEMBER STATES TO
2 VOTE FOR PRESIDENT AND VICE PRESIDENT

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

5 § 2753. ARTICLE III–MANNER OF APPOINTING PRESIDENTIAL
6 ELECTORS IN MEMBER STATES

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

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

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

19 (d) At least six days before the day fixed by law for the meeting and voting
20 by the presidential electors, each member state shall make a final
21 determination of the number of popular votes cast in the state for each

1 presidential slate and shall communicate an official statement of such
2 determination within 24 hours to the chief election official of each other
3 member state.

4 (e) The chief election official of each member state shall treat as conclusive
5 an official statement containing the number of popular votes in a state for each
6 presidential slate made by the day established by federal law for making a
7 state's final determination conclusive as to the counting of electoral votes by
8 Congress.

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

13 (g) If, for any reason, the number of presidential electors nominated in a
14 member state in association with the national popular vote winner is less than
15 or greater than that state's number of electoral votes, the presidential candidate
16 on the presidential slate that has been designated as the national popular vote
17 winner shall have the power to nominate the presidential electors for that state
18 and that state's presidential elector certifying official shall certify the
19 appointment of such nominees.

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

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

7 § 2754. ARTICLE IV—OTHER PROVISIONS

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

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

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

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

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

1 § 2755. ARTICLE V—DEFINITIONS

2 For purposes of this agreement:

3 (1) “Chief election official” shall mean the state official or body that is
4 authorized to certify the total number of popular votes for each presidential
5 slate.

6 (2) “Chief executive” shall mean the governor of a state of the United
7 States or the mayor of the District of Columbia.

8 (3) “Elector slate” shall mean a slate of candidates who have been
9 nominated in a state for the position of presidential elector in association with a
10 presidential slate.

11 (4) “Presidential elector” shall mean an elector for President and Vice
12 President of the United States.

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

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

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

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