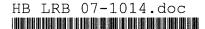
## A BILL FOR AN ACT

RELATING TO PRESIDENTIAL ELECTIONS.

## BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

- 1 SECTION 1. The legislature finds that the current system
- 2 of allocating a state's electoral votes in presidential
- 3 elections on a statewide winner-takes-all basis divides the
- 4 country along regional lines, undermines accountability, creates
- 5 a limited number of "battleground" states, dampens voter
- 6 participation, and can result in the election of a presidential
- 7 candidate who did not prevail in the national popular vote. The
- 8 purpose of this Act is to require the State to enter into an
- 9 interstate compact with other states that would obligate
- 10 Hawaii's chief election officer to certify to the governor the
- 11 names of the presidential electors of the same political party
- 12 as the candidates for president and vice president receiving the
- 13 highest number of votes in the national popular vote.
- 14 SECTION 2. Chapter 14, Hawaii Revised Statutes, is amended
- 15 by adding a new section to be appropriately designated and to
- 16 read as follows:
- 17 "\$14- Enactment of compact. The Agreement Among the
- 18 States to Elect the President by National Popular Vote is hereby



| 1  | enacted into law and entered into by this State as a party, and |
|----|---|
| 2  | is in full force and effect between this State and any other    |
| 3  | state joining therein in accordance with the terms of the       |
| 4  | compact, which compact is substantially as follows:             |
| 5  | AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT               |
| 6  | BY NATIONAL POPULAR VOTE  |
| 7  | ARTICLE I   |
| 8  | MEMBERSHIP  |
| 9  | Any state of the United States and the District of Columbia     |
| 10 | may become a member of this agreement by enacting this          |
| 11 | agreement.  |
| 12 | ARTICLE II  |
| 13 | RIGHT OF THE PEOPLE IN MEMBER STATES TO VOTE FOR                |
| 14 | PRESIDENT AND VICE PRESIDENT                                    |
| 15 | Each member state shall conduct a statewide popular             |
| 16 | election for President and Vice President of the United States. |
| 17 | ARTICLE III   |
| 18 | MANNER OF APPOINTING PRESIDENTIAL ELECTORS                      |
| 19 | IN MEMBER STATES  |
| 20 | Prior to the time set by law for the meeting and voting by      |
| 21 | the presidential electors, the chief election official of each  |
| 22 | member state shall determine the number of votes for each       |
|    | HB LRB 07-1014.doc  |

1 presidential slate in each state of the United States and in the 2 District of Columbia in which votes have been cast in a 3 statewide popular election and shall add such votes together to 4 produce a national popular vote total for each presidential 5 slate. 6 The chief election official of each member state shall 7 designate the presidential slate with the largest national 8 popular vote total as the national popular vote winner. 9 The presidential elector certifying official of each member state shall certify the appointment in that official's own state 10 of the elector slate nominated in that state in association with 11 12 the national popular vote winner. 13 At least six days before the day fixed by law for the 14 meeting and voting by the presidential electors, each member 15 state shall make a final determination of the number of popular 16 votes cast in the state for each presidential slate and shall communicate an official statement of such determination within 17 18 twenty-four hours to the chief election official of each member 19 state. 20 The chief election official of each member state shall 21 treat as conclusive an official statement containing the number 22 of popular votes in a state for each presidential slate made by



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1
    the day established by federal law for making a state's final
2
    determination conclusive as to the counting of electoral votes
3
    by Congress.
4
         In the event of a tie for the national popular vote winner,
5
    the presidential elector certifying official of each member
6
    state shall certify the appointment of the elector slate
7
    nominated in association with the presidential slate receiving
8
    the largest number of popular votes within that official's own
9
    state.
10
         If, for any reason, the number of presidential electors
11
    nominated in a member state in association with the national
12
    popular vote winner is less than or greater than that state's
13
    number of electoral votes, the presidential candidate on the
14
    presidential slate that has been designated as the national
15
    popular vote winner shall have the power to nominate the
16
    presidential electors for that state and that state's
17
    presidential elector certifying official shall certify the
18
    appointment of such nominees. The chief election official of
19
    each member state shall immediately release to the public all
20
    vote counts or statements of votes as they are determined or
21
    obtained.
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| 1  | This article shall govern the appointment of presidential        |
|----|--|
| 2  | electors in each member state in any year in which this          |
| 3  | agreement is, on July 20, in effect in states cumulatively       |
| 4  | possessing a majority of the electoral votes.                    |
| 5  | ARTICLE IV   |
| 6  | OTHER PROVISIONS   |
| 7  | This agreement shall take effect when states cumulatively        |
| 8  | possessing a majority of the electoral votes have enacted this   |
| 9  | agreement in substantially the same form and the enactments by   |
| 10 | such states have taken effect in each state.                     |
| 11 | Any member state may withdraw from this agreement, except        |
| 12 | that a withdrawal occurring six months or less before the end of |
| 13 | a President's term shall not become effective until a President  |
| 14 | or Vice President shall have been qualified to serve the next    |
| 15 | term.  |
| 16 | The chief executive of each member state shall promptly          |
| 17 | notify the chief executive of all other states of when this      |
| 18 | agreement has been enacted and has taken effect in that          |
| 19 | official's state, when the state has withdrawn from this         |
| 20 | agreement, and when this agreement takes effect generally.       |
| 21 | This agreement shall terminate if the electoral college is       |
| 22 | abolished.   |

| 1  | If any provision of this agreement is held invalid, the          |
|----|--|
| 2  | remaining provisions shall not be affected.                      |
| 3  | ARTICLE V  |
| 4  | DEFINITIONS  |
| 5  | For purposes of this agreement:                                  |
| 6  | "Chief election official" shall mean the state official or       |
| 7  | body that is authorized to certify the total number of popular   |
| 8  | votes for each presidential slate;                               |
| 9  | "Chief executive" shall mean the governor of a state of the      |
| 10 | United States or the mayor of the District of Columbia;          |
| 11 | "Elector slate" shall mean a slate of candidates who have        |
| 12 | been nominated in a state for the position of presidential       |
| 13 | elector in association with a presidential slate;                |
| 14 | "Presidential elector" shall mean an elector for President       |
| 15 | and Vice President of the United States;                         |
| 16 | "Presidential elector certifying official" shall mean the        |
| 17 | state official or body that is authorized to certify the         |
| 18 | appointment of the state's presidential electors;                |
| 19 | "Presidential slate" shall mean a slate of two persons, the      |
| 20 | first of whom has been nominated as a candidate for President of |
| 21 | the United States and the second of whom has been nominated as a |
| 22 | candidate for Vice President of the United States, or any legal  |
|    | HB LRB 07-1014.doc   |

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1
    successors to such persons, regardless of whether both names
2
    appear on the ballot presented to the voter in a particular
3
    state;
4
         "State" shall mean a state of the United States and the
5
    District of Columbia; and
         "Statewide popular election" shall mean a general election
6
7
    in which votes are cast for presidential slates by individual
8
    voters and counted on a statewide basis."
         SECTION 3. Section 14-24, Hawaii Revised Statutes, is
9
10
    amended to read as follows:
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         "§14-24 Certificate of election, notice of meeting. [Not
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    later than 4:30 p.m. on the last day in the month of the
13
    election, or as soon as the returns have been received from all
14
    counties in the State, if received before that time, the chief
15
    election officer shall] In the manner provided in section 14-
16
    , the chief election officer shall certify to the governor
17
    the names of the presidential electors and alternates of the
18
    same political party or group as the candidates for president
19
    and vice president receiving the highest number of votes in the
20
    national popular vote as elected as presidential electors and
21
    alternates. Thereupon the governor shall in accordance with the
22
    laws of the United States, communicate by registered mail under
    HB LRB 07-1014.doc
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| 1  | the seal of the State of Hawaii to the administrator of general            |
|----|--|
| 2  | services of the United States, the certificates of persons                 |
| 3  | elected as presidential electors, setting forth the names of the           |
| 4  | electors and the total number of votes cast for each elector.              |
| 5  | The chief election officer shall thereupon, together with a                |
| 6  | notice of the time and place of the meeting of the electors,               |
| 7  | cause to issue and transmit to each elector and alternate a                |
| 8  | certificate of election signed by the governor in substantially            |
| 9  | the following form:  |
| 10 | CERTIFICATE OF ELECTION OF   |
| 11 | PRESIDENTIAL ELECTORS  |
| 12 | I,Governor of the State of Hawaii, do hereby                               |
| 13 | certify that a member of theparty  |
| 14 | or group, was on theday of   |
| 15 | 20, duly elected a Presidential Elector for the State of                   |
| 16 | Hawaii for the presidential election of $[\frac{19}{20}]$ $\underline{20}$ |
| 17 | CERTIFICATE OF ELECTION OF   |
| 18 | ALTERNATE PRESIDENTIAL ELECTOR   |
| 19 | I,Governor of the State of Hawaii, do hereby                               |
| 20 | certify that a member of theparty  |
| 21 | or group, was on theday of   |
| 22 | 20, duly electedAlternate Presidential                                     |
|    | HB LRB 07-1014.doc   |

| 1 | Elector for Presidential Electorfor the State of                             |
|---|--|
| 2 | Hawaii for the presidential election of $[\frac{19}{20}]$ $\underline{20}$ " |
| 3 | SECTION 4. Statutory material to be repealed is bracketed                    |
| 4 | and stricken. New statutory material is underscored.                         |
| 5 | SECTION 5. This Act shall take effect upon its approval.                     |
| 6 |  |
|   | INTRODUCED BY: Tany Water  |

JAN 1 9 2007

## Report Title:

Elections; Presidential Electors

## Description:

Authorizes and directs the governor to enter into an interstate compact requiring the State to certify electors of the same political party as that of the winner of the national popular vote in a presidential election.