

GOV. MSG. NO. 787

EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE

April 23, 2007

The Honorable Colleen Hanabusa, President and Members of the Senate Twenty-Fourth State Legislature State Capitol, Room 409 Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith SB1956, without my approval, and with the statement of objections relating to the measure.

SB1956

A BILL FOR AN ACT RELATING TO THE AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE.

Sincerely,

LINDA LINGLE

EXECUTIVE CHAMBERS HONOLULU

April 23, 2007

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1956

Honorable Members Twenty-Fourth Legislature State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1956, entitled "A Bill for an Act Relating to the Agreement Among the States to Elect the President by National Popular Vote."

The purpose of this bill is to add a new chapter to the Hawaii Revised Statutes that will cause Hawaii to join an interstate compact or agreement among the member states to award their electoral votes to the national popular vote winner regardless of the popular vote winner in each member state.

Under this bill, Hawaii's four electoral votes would be awarded to the presidential slate that receives the most votes as determined by the national popular vote regardless of which candidates won the popular vote in Hawaii. Given the potential under the interstate compact that Hawaii's electoral votes would be awarded in a manner that may not reflect the will of the majority of the voters in Hawaii, I believe that this bill is not in the best interest of the citizens of the State of Hawaii.

For the foregoing reasons, I am returning Senate Bill No. 1956 without my approval.

Respectfully,

LINDA LINGLE U
Governor of Hawaii



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A BILL FOR AN ACT

RELATING TO THE AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE.

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

1	SECTION 1. The Hawaii Revised Statutes is amended by
2	adding a new chapter to be appropriately designated and to read
3	as follows:
4	"CHAPTER
5	AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL
6	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 PRESIDENT AND
14	VICE PRESIDENT
15	Each member state shall conduct a statewide popular
16	election for President and Vice President of the United States.
17	



1 ARTICLE III

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

- 1 24 hours to the chief election official of each other member
- 2 state.
- 3 The chief election official of each member state shall
- 4 treat as conclusive an official statement containing the number
- 5 of popular votes in a state for each presidential slate made by
- 6 the day established by federal law for making a state's final
- 7 determination conclusive as to the counting of electoral votes
- 8 by congress.
- 9 In event of a tie for the national popular vote winner, the
- 10 presidential elector certifying official of each member state
- 11 shall certify the appointment of the elector slate nominated in
- 12 association with the presidential slate receiving the largest
- 13 number of popular votes within that official's own state.
- 14 If, for any reason, the number of presidential electors
- 15 nominated in a member state in association with the national
- 16 popular vote winner is less than or greater than that state's
- 17 number of electoral votes, the presidential candidate on the
- 18 presidential slate that has been designated as the national
- 19 popular vote winner shall have the power to nominate the
- 20 presidential electors for that state and that state's
- 21 presidential elector certifying official shall certify the
- 22 appointment of such nominees. The chief election official of



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- 1 each member state shall immediately release to the public all
- 2 vote counts or statements of votes as they are determined or
- 3 obtained.
- 4 This article shall govern the appointment of presidential
- 5 electors in each member state in any year in which this
- 6 agreement is, on July 20, in effect in states cumulatively
- 7 possessing a majority of the electoral votes.
- 8 ARTICLE IV
- 9 OTHER PROVISIONS
- This agreement shall take effect when states cumulatively
- 11 possessing a majority of the electoral votes have enacted this
- 12 agreement in substantially the same form and the enactments by
- 13 such states have taken effect in each state.
- 14 Any member state may withdraw from this agreement, except
- 15 that a withdrawal occurring six months or less before the end of
- a President's term shall not become effective until a President
- 17 or Vice President shall have been qualified to serve the next
- 18 term.
- 19 The chief executive of each member state shall promptly
- 20 notify the chief executive of all other states of when this
- 21 agreement has been enacted and has taken effect in that

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- 1 official's state, when the state has withdrawn from this
- 2 agreement, and when this agreement takes affect generally.
- 3 This agreement shall terminate if the electoral college is
- 4 abolished.
- 5 If any provision of this agreement is held invalid, the
- 6 remaining provisions shall not be affected.
- 7 ARTICLE V
- 8 DEFINITIONS
- 9 For the purpose of this agreement,
- 10 "chief executive" shall mean the Governor of a State of the
- 11 United States or the Mayor of the District of Columbia;
- 12 "elector slate" shall mean a slate of candidates who have
- 13 been nominated in a state for the position of presidential
- elector in association with a presidential slate;
- "chief election official" shall mean the state official or
- 16 body that is authorized to certify the total number of popular
- 17 votes for each presidential slate;
- 18 "presidential elector" shall mean an elector for President
- 19 and Vice President of the United States;
- 20 "presidential elector certifying official" shall mean the
- 21 state official or body that is authorized to certify the
- 22 appointment of the state's presidential electors;



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1	"presidential slate" shall mean a slate of two persons, the
2	first of whom has been nominated as a candidate for President of
3	the United States and the second of whom has been nominated as a
4	candidate for Vice President of the United States, or any legal
5	successors to such persons, regardless of whether both names
6	appear on the ballot presented to the voter in a particular
7	state;
8	"state" shall mean a State of the United States and the
9	District of Columbia; and
10	"statewide popular election" shall mean a general election
11	in which votes are cast for presidential slates by individual
12	voters and counted on a statewide basis."
13	SECTION 2. This Act shall take effect upon its approval.
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15	INTRODUCED BY:
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GOVERNOR OF THE STATE OF HAWAII

Approved this day: