
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. Chapter 14, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§14- Enactment of compact. The Agreement Among the
5 States to Elect the President by National Popular Vote is hereby
6 enacted into law and entered into by this State as a party, and
7 is in full force and effect between this State and any other
8 state joining therein in accordance with the terms of the
9 compact, which compact is substantially as follows:

10 AGREEMENT AMONG THE STATES TO ELECT THE

11 PRESIDENT BY NATIONAL POPULAR VOTE

12 ARTICLE I

13 MEMBERSHIP

14 Any state of the United States and the District of Columbia
15 may become a member of this agreement by enacting this
16 agreement.



1 ARTICLE II

2 RIGHT OF THE PEOPLE IN MEMBER STATES TO

3 VOTE FOR PRESIDENT AND VICE PRESIDENT

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

6 ARTICLE III

7 MANNER OF APPOINTING PRESIDENTIAL

8 ELECTORS IN MEMBER STATES

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

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

20 The presidential elector certifying official of each member
21 state shall certify the appointment in that official's own state



1 of the elector slate nominated in that state in association with
2 the national popular vote winner.

3 At least six days before the day fixed by law for the
4 meeting and voting by the presidential electors, each member
5 state shall make a final determination of the number of popular
6 votes cast in the state for each presidential slate and shall
7 communicate an official statement of such determination within
8 twenty-four hours to the chief election official of each other
9 member state.

10 The chief election official of each member state shall
11 treat as conclusive an official statement containing the number
12 of popular votes in a state for each presidential slate made by
13 the day established by federal law for making a state's final
14 determination conclusive as to the counting of electoral votes
15 by Congress.

16 In event of a tie for the national popular vote winner, the
17 presidential elector certifying official of each member state
18 shall certify the appointment of the elector slate nominated in
19 association with the presidential slate receiving the largest
20 number of popular votes within that official's own state.

21 If, for any reason, the number of presidential electors
22 nominated in a member state in association with the national



1 popular vote winner is less than or greater than that state's
2 number of electoral votes, the presidential candidate on the
3 presidential slate that has been designated as the national
4 popular vote winner shall have the power to nominate the
5 presidential electors for that state and that state's
6 presidential elector certifying official shall certify the
7 appointment of such nominees. The chief election official of
8 each member state shall immediately release to the public all
9 vote counts or statements of votes as they are determined or
10 obtained.

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

15 ARTICLE IV

16 OTHER PROVISIONS

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

21 Any member state may withdraw from this agreement, except
22 that a withdrawal occurring six months or less before the end of



1 a President's term shall not become effective until a President
2 or Vice President shall have been qualified to serve the next
3 term.

4 The chief executive of each member state shall promptly
5 notify the chief executive of all other states of when this
6 agreement has been enacted and has taken effect in that
7 official's state, when the state has withdrawn from this
8 agreement, and when this agreement takes effect generally.

9 This agreement shall terminate if the electoral college is
10 abolished.

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

13 **ARTICLE V**

14 **DEFINITIONS**

15 For the purpose of this agreement:

16 "Chief election official" means the state official or body
17 that is authorized to certify the total number of popular votes
18 for each presidential slate.

19 "Chief executive" means the governor of a state of the
20 United States or the mayor of the District of Columbia.



1 "Elector slate" means a slate of candidates who have been
2 nominated in a state for the position of presidential elector in
3 association with a presidential slate.

4 "Presidential elector" means an elector for President and
5 Vice President of the United States.

6 "Presidential elector certifying official" means the state
7 official or body that is authorized to certify the appointment
8 of the state's presidential electors.

9 "Presidential slate" means a slate of two persons, the
10 first of whom has been nominated as a candidate for President of
11 the United States and the second of whom has been nominated as a
12 candidate for Vice President of the United States, or any legal
13 successors to such persons, regardless of whether both names
14 appear on the ballot presented to the voter in a particular
15 state.

16 "State" means a State of the United States and the District
17 of Columbia.

18 "Statewide popular election" means a general election in
19 which votes are cast for presidential slates by individual
20 voters and counted on a statewide basis."

21 SECTION 2. New statutory material is underscored.

22 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Interstate Agreement; Presidential Election; National Popular
Vote

Description:

Adds a new section to Chapter 14, Hawaii Revised Statutes, to
enact agreement that allows member states to determine the
winner of a presidential election by "national popular vote."
(HB3013 HD1)

