

JAN 24 2007

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# 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:



1            "§14-            Enactment of compact.    The Agreement Among the  
2   States to Elect the President by National Popular Vote is hereby  
3   enacted into law and entered into by this State as a party, and  
4   is in full force and effect between this State and any other  
5   state joining therein in accordance with the terms of the  
6   compact, which compact is substantially as follows:

7                    AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT  
8                                BY NATIONAL POPULAR VOTE

9                                        ARTICLE I

10                                       MEMBERSHIP

11            Any state of the United States and the District of Columbia  
12   may become a member of this agreement by enacting this  
13   agreement.

14                                       ARTICLE II

15                    RIGHT OF THE PEOPLE IN MEMBER STATES TO VOTE FOR  
16                                PRESIDENT AND VICE PRESIDENT

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

19                                       ARTICLE III

20                    MANNER OF APPOINTING PRESIDENTIAL ELECTORS

21                                IN MEMBER STATES



1 Prior to the time set by law for the meeting and voting by  
2 the presidential electors, the chief election official of each  
3 member state shall determine the number of votes for each  
4 presidential slate in each state of the United States and in the  
5 District of Columbia in which votes have been cast in a  
6 statewide popular election and shall add such votes together to  
7 produce a national popular vote total for each presidential  
8 slate.

9 The chief election official of each member state shall  
10 designate the presidential slate with the largest national  
11 popular vote total as the national popular vote winner.

12 The presidential elector certifying official of each member  
13 state shall certify the appointment in that official's own state  
14 of the elector slate nominated in that state in association with  
15 the national popular vote winner.

16 At least six days before the day fixed by law for the  
17 meeting and voting by the presidential electors, each member  
18 state shall make a final determination of the number of popular  
19 votes cast in the state for each presidential slate and shall  
20 communicate an official statement of such determination within  
21 twenty-four hours to the chief election official of each member  
22 state.



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

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

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



1 vote counts or statements of votes as they are determined or  
2 obtained.

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

7 ARTICLE IV

8 OTHER PROVISIONS

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

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

18 The chief executive of each member state shall promptly  
19 notify the chief executive of all other states of when this  
20 agreement has been enacted and has taken effect in that  
21 official's state, when the state has withdrawn from this  
22 agreement, and when this agreement takes effect generally.





1 the United States and the second of whom has been nominated as a  
2 candidate for Vice President of the United States, or any legal  
3 successors to such persons, regardless of whether both names  
4 appear on the ballot presented to the voter in a particular  
5 state;

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

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

11 SECTION 3. Section 14-24, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 **"§14-24 Certificate of election, notice of meeting.** [~~Not~~  
14 ~~later than 4:30 p.m. on the last day in the month of the~~  
15 ~~election, or as soon as the returns have been received from all~~  
16 ~~counties in the State, if received before that time, the chief~~  
17 ~~election officer shall] In the manner provided in section 14-  
18 \_\_\_\_\_ , the chief election officer shall certify to the governor  
19 the names of the presidential electors and alternates of the  
20 same political party or group as the candidates for president  
21 and vice president receiving the highest number of votes in the  
22 national popular vote as elected as presidential electors and~~



1 alternates. Thereupon the governor shall in accordance with the  
 2 laws of the United States, communicate by registered mail under  
 3 the seal of the State of Hawaii to the administrator of general  
 4 services of the United States, the certificates of persons  
 5 elected as presidential electors, setting forth the names of the  
 6 electors and the total number of votes cast for each elector.  
 7 The chief election officer shall thereupon, together with a  
 8 notice of the time and place of the meeting of the electors,  
 9 cause to issue and transmit to each elector and alternate a  
 10 certificate of election signed by the governor in substantially  
 11 the following form:

12 **CERTIFICATE OF ELECTION OF**  
 13 **PRESIDENTIAL ELECTORS**

14 I,.....Governor of the State of Hawaii, do hereby  
 15 certify that....., a member of the.....party  
 16 or group, was on the.....day of....., [19]  
 17 20....., duly elected a Presidential Elector for the State of  
 18 Hawaii for the presidential election of [19] 20.....

19 **CERTIFICATE OF ELECTION OF**  
 20 **ALTERNATE PRESIDENTIAL ELECTOR**

21 I,.....Governor of the State of Hawaii, do hereby  
 22 certify that....., a member of the.....party





# S.B. NO. 1638

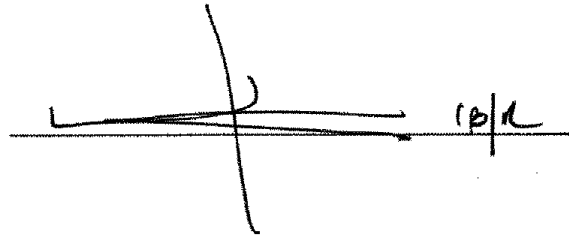
1 or group, was on the.....day of....., [19]  
 2 20....., duly elected.....Alternate Presidential  
 3 Elector for Presidential Elector.....for the State of  
 4 Hawaii for the presidential election of [19] 20....."

5 SECTION 4. Statutory material to be repealed is bracketed  
 6 and stricken. New statutory material is underscored.

7 SECTION 5. This Act shall take effect upon its approval.

8

INTRODUCED BY:

 A handwritten signature consisting of a horizontal line with a vertical stroke crossing it, and the initials "P/R" to the right.



**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.

