

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1028 Session of
2007

INTRODUCED BY COHEN, THOMAS, BELFANTI, BIANCUCCI, CALTAGIRONE,
FRANKEL, GOODMAN, KIRKLAND, LEACH, LEVDANSKY, MANDERINO,
McGEEHAN, MYERS, PARKER, McILVAINE SMITH, SOLOBAY, STEIL,
STURLA, TANGRETTI, WALKO AND YOUNGBLOOD, APRIL 5, 2007

REFERRED TO COMMITTEE ON INTERGOVERNMENTAL AFFAIRS,
APRIL 5, 2007

AN ACT

1 Authorizing the Commonwealth of Pennsylvania to join the
2 Agreement Among the States to Elect the President by National
3 Popular Vote; and providing for the form of the agreement.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Agreement
8 Among the States to Elect the President by National Popular Vote
9 Act.

10 Section 2. Text of agreement.

11 The Agreement Among the States to Elect the President by
12 National Popular Vote is enacted into law and entered into with
13 all other signatory jurisdictions in substantially the following
14 form:

15 ARTICLE I

16 MEMBERSHIP

17 Any State of the United States and the District of Columbia

1 may become a member of this agreement by enacting this
2 agreement.

3 ARTICLE II

4 RIGHT OF THE PEOPLE IN MEMBER STATES TO VOTE FOR PRESIDENT
5 AND VICE PRESIDENT

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

8 ARTICLE III

9 MANNER OF APPOINTING PRESIDENTIAL ELECTORS IN MEMBER STATES

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

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

21 The presidential elector certifying official of each member
22 state shall certify the appointment in that official's own state
23 of the elector slate nominated in that state in association with
24 the national popular vote winner.

25 At least six days before the day fixed by law for the meeting
26 and voting by the presidential electors, each member state shall
27 make a final determination of the number of popular votes cast
28 in the state for each presidential slate and shall communicate
29 an official statement of such determination within 24 hours to
30 the chief election official of each other member state.

1 The chief election official of each member state shall treat
2 as conclusive an official statement containing the number of
3 popular votes in a state for each presidential slate made by the
4 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 event of a tie for the national popular vote winner, the
8 presidential elector certifying official of each member state
9 shall certify the appointment of the elector slate nominated in
10 association with the presidential slate receiving the largest
11 number of popular votes within that official's own state.

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

21 The chief election official of each member state shall
22 immediately release to the public all vote counts or statements
23 of votes as they are determined or obtained.

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

28 ARTICLE IV

29 OTHER PROVISIONS

30 This agreement shall take effect when states cumulatively

1 possessing a majority of the electoral votes have enacted this
2 agreement in substantially the same form and the enactments by
3 such states have taken effect in each state.

4 Any member state may withdraw from this agreement, except
5 that a withdrawal occurring six months or less before the end of
6 a President's term shall not become effective until a President
7 or Vice President shall have been qualified to serve the next
8 term.

9 The chief executive of each member state shall promptly
10 notify the chief executive of all other states of when this
11 agreement has been enacted and has taken effect in that
12 official's state, when the state has withdrawn from this
13 agreement, and when this agreement takes effect generally.

14 This agreement shall terminate if the electoral college is
15 abolished.

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

18 ARTICLE V

19 DEFINITIONS

20 For purposes of this agreement,

21 "Chief executive" shall mean the Governor of a State of the
22 United States or the Mayor of the District of Columbia;

23 "Chief election official" shall mean the state official or
24 body that is authorized to certify the total number of popular
25 votes for each presidential slate;

26 "Elector slate" shall mean a slate of candidates who have
27 been nominated in a state for the position of presidential
28 elector in association with a presidential slate;

29 "Presidential elector" shall mean an elector for President
30 and Vice President of the United States;

1 "Presidential elector certifying official" shall mean the
2 state official or body that is authorized to certify the
3 appointment of the state's presidential electors;

4 "Presidential slate" shall mean a slate of two persons, the
5 first of whom has been nominated as a candidate for President of
6 the United States and the second of whom has been nominated as a
7 candidate for Vice President of the United States, or any legal
8 successors to such persons, regardless of whether both names
9 appear on the ballot presented to the voter in a particular
10 state;

11 "State" shall mean a State of the United States and the
12 District of Columbia; and

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

16 Section 3. This act shall take effect immediately.