
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 270 Session of
2022

INTRODUCED BY RABB, BRIGGS, FIEDLER, HOHENSTEIN, ISAACSON,
KENYATTA, KINKEAD, LEE, SANCHEZ, STURLA, DALEY, D. WILLIAMS,
VITALI, McNEILL, A. DAVIS, CIRESI, SCHWEYER, ROZZI, HERRIN,
WEBSTER, MALAGARI, BULLOCK, SIMS, FRANKEL, INNAMORATO,
McCLINTON, MADDEN, PARKER AND OTTEN, JANUARY 7, 2022

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 7, 2022

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
5 FOR PRESIDENT 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
10 ELECTORS IN MEMBER STATES

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

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

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

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

1 the chief election official of each other member state.

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

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

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

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

29 ARTICLE IV

30 OTHER PROVISIONS

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

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

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

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

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

19 ARTICLE V

20 DEFINITIONS

21 For purposes of this agreement,

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

25 "Chief executive" shall mean the Governor of a state of the
26 United States or the Mayor of the District of Columbia;

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

30 "Presidential elector" shall mean an elector for President

1 and Vice President of the United States;

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

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

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

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

17 Section 3. Publication in Pennsylvania Bulletin.

18 In the event that the Agreement Among the States to Elect the
19 President by National Popular Vote takes effect according to
20 Article IV, the Secretary of the Commonwealth shall forward the
21 agreement to the Legislative Reference Bureau for publication as
22 a notice in the Pennsylvania Bulletin. The notice shall include
23 the date that the agreement became effective between the
24 Commonwealth and any other states.

25 Section 4. Effective date.

26 This act shall take effect immediately.