

2013 -- S 0346 SUBSTITUTE A

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LC01277/SUB A  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO ELECTIONS

Introduced By: Senators Lynch, P Fogarty, Miller, Goodwin, and DiPalma

Date Introduced: February 13, 2013

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 17 of the General Laws entitled "ELECTIONS" is hereby amended by  
2 adding thereto the following chapter:

3 CHAPTER 4.2

4 AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL

5 POPULAR VOTE

6 **17-4.2-1. Compact enacted.** – The interstate compact entitled the "Agreement Among  
7 the States to Elect the President by National Popular Vote" is hereby enacted into law and entered  
8 into with all other jurisdictions legally joining therein in the form substantially as follows:

9 ARTICLE I.

10 MEMBERSHIP.

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

13 ARTICLE II.

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

16 Each member state shall conduct a statewide popular election for president and vice  
17 president of the United States.

18 ARTICLE III.

19 MANNER OF APPOINTING PRESIDENTIAL ELECTORS IN MEMBER STATES.

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

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

8 The presidential elector certifying official of each member state shall certify the  
9 appointment in that official's own state of the elector slate nominated in that state in association  
10 with the national popular vote winner.

11 At least six (6) days before the day fixed by law for the meeting and voting by the  
12 presidential electors, each member state shall make a final determination of the number of  
13 popular votes cast in the state for each presidential slate and shall communicate an official  
14 statement of such determination within twenty-four (24) hours to the chief election official of  
15 each other member state.

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

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

24 If, for any reason, the number of presidential electors nominated in a member state in  
25 association with the national popular vote winner is less than or greater than that state's number of  
26 electoral votes, the presidential candidate on the presidential slate that has been designated as the  
27 national popular vote winner shall have the power to nominate the presidential electors for that  
28 state and that state's presidential elector certifying official shall certify the appointment of such  
29 nominees.

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

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

1           ARTICLE IV.

2           OTHER PROVISIONS.

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

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

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

13           This agreement shall terminate if the electoral college is abolished.

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

16           ARTICLE V.

17           DEFINITIONS.

18           For purposes of this agreement:

19           (1) "Chief executive" shall mean the governor of a state of the United States or the mayor  
20 of the District of Columbia;

21           (2) "Elector slate" shall mean a slate of candidates who have been nominated in a state  
22 for the position of presidential elector in association with a presidential slate;

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

25           (4) "Presidential elector" shall mean an elector for president and vice president of the  
26 United States;

27           (5) "Presidential elector certifying official" shall mean the state official or body that is  
28 authorized to certify the appointment of the state's presidential electors;

29           (6) "Presidential slate" shall mean a slate of two (2) persons, the first of whom has been  
30 nominated as a candidate for president of the United States and the second of whom has been  
31 nominated as a candidate for vice president of the United States, or any legal successors to such  
32 persons, regardless of whether both names appear on the ballot presented to the voter in a  
33 particular state;

34           (7) "State" shall mean a state of the United States and the District of Columbia; and

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

3           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO ELECTIONS

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- 1           This act would join Rhode Island in an agreement among states to elect the president and
- 2 vice president by national popular vote.
- 3           This act would take effect upon passage.

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