

ASSEMBLY BILL

No. 2948

Introduced by Assembly Members Umberg, Dymally, and Laird

February 24, 2006

An act to repeal and add Chapter 1 (commencing with Section 6900) of Part 2 of Division 6 of the Elections Code, relating to presidential elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2948, as introduced, Umberg. Electoral college: interstate compact.

Existing law provides for statewide election of a slate of electors to vote in the electoral college for President and Vice-President of the United States. Under existing law, each political party selects its slate of presidential electors in accordance with statutory procedures that differ by party.

This bill would authorize the state to enter into a specified interstate compact that would provide that the number of votes that may be cast by each signatory state in the electoral college shall be determined on a proportionate basis based on the popular vote in each state.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature hereby adopts and enters into
- 2 the foregoing agreement among the several states to elect the
- 3 President and the Vice-President by a national popular vote as set
- 4 forth in Chapter 1 (commencing with Section 6900) of Part 2 of
- 5 Division 6 of the Elections Code.

1 SEC. 2. Chapter 1 (commencing with Section 6900) of Part 2
2 of Division 6 of the Elections Code is repealed.

3 SEC. 3. Chapter 1 (commencing with Section 6900) is added
4 to Part 2 of Division 6 of the Elections Code, to read:

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6 CHAPTER 1. AGREEMENT AMONG THE STATES TO ELECT THE
7 PRESIDENT AND THE VICE-PRESIDENT BY NATIONAL POPULAR
8 VOTE

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10 Article 1. Membership

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12 6900. Any State of the United States and the District of
13 Columbia may become a member of this agreement by enacting
14 this agreement.

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16 Article 2. Right of the People in Member States to Vote for
17 President and Vice-President

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19 6901. Each member state shall conduct a statewide popular
20 election for President and Vice-President of the United States.

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22 Article 3. Manner of Appointing Presidential Electors in
23 Member States

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25 6902. (a) Prior to the time set by law for the meeting and
26 voting by the presidential electors, the chief election official of
27 each member state shall determine the number of votes for each
28 presidential slate in each state of the United States and in the
29 District of Columbia in which votes have been cast in a statewide
30 popular election and shall add such votes together to produce a
31 “national popular vote total” for each presidential slate.

32 (b) The chief election official of each member state shall
33 designate the presidential slate with the largest national popular
34 vote total as the “national popular vote winner.”

35 (c) The presidential elector certifying official of each member
36 state shall certify the appointment in that official’s own state of
37 the elector slate nominated in that state in association with the
38 national popular vote winner.

39 (d) At least six days before the day fixed by law for the
40 meeting and voting by the presidential electors, each member

1 state shall make a final determination of the number of popular
2 votes cast in the state for each presidential slate and shall
3 communicate an official statement of such determination within
4 24 hours to the chief election official of each other member state.

5 (e) The chief election official of each member state shall treat
6 as conclusive an official statement containing the number of
7 popular votes in a state for each presidential slate made by the
8 day established by federal law for making a state's final
9 determination conclusive as to the counting of electoral votes by
10 Congress.

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

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

24 (h) The chief election official of each member state shall
25 immediately release to the public all vote counts or statements of
26 votes as they are determined or obtained.

27 (i) This chapter shall govern the appointment of presidential
28 electors in each member state in any year in which this
29 agreement is, on July 20, in effect in states cumulatively
30 possessing a majority of the electoral votes.

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Article 4. Other Provisions

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34 6904. (a) This agreement shall take effect when states
35 cumulatively possessing a majority of the electoral votes have
36 enacted this agreement in substantially the same form and the
37 enactments by such states have taken effect in each state.

38 (b) Any member state may withdraw from this agreement,
39 except that a withdrawal occurring six months or less before the
40 end of a President's term shall not become effective until a

1 President or Vice-President shall have been qualified to serve the
2 next term.

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

8 (d) This agreement shall terminate if the electoral college is
9 abolished.

10 (e) If any provision of this agreement is held invalid, the
11 remaining provisions shall not be affected.

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Article 5. Definitions

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15 6905. For purposes of this agreement, the following terms
16 have the following meanings:

17 (a) “Chief executive” shall mean the Governor of a state of the
18 United States or the Mayor of the District of Columbia.

19 (b) “Elector slate” shall mean a slate of candidates who have
20 been nominated in a state for the position of presidential elector
21 in association with a presidential slate.

22 (c) “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 (d) “Presidential elector” shall mean an elector for President
26 and Vice-President of the United States.

27 (e) “Presidential elector certifying official” shall mean the
28 state official or body that is authorized to certify the appointment
29 of the state’s presidential electors.

30 (f) “Presidential slate” shall mean a slate of two persons, the
31 first of whom has been nominated as a candidate for President of
32 the United States and the second of whom has been nominated as
33 a candidate for Vice-President of the United States, or any legal
34 successors to such persons, regardless of whether both names
35 appear on the ballot presented to the voter in a particular state.

36 (g) “State” shall mean a state of the United States and the
37 District of Columbia.

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

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