

STATE OF NEW YORK

2286--A

2009-2010 Regular Sessions

IN SENATE

February 17, 2009

Introduced by Sens. PARKER, KRUEGER, ONORATO -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to enacting the agreement among the states to elect the president by national popular vote

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Article 12 of the election law is amended by adding a new
2 title 4 to read as follows:

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

TITLE IV

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

Section 12-400. Short title.

12-402. Adoption and text of compact.

§ 12-400. Short title. This title shall be known and may be cited as
"agreement among the states to elect the president by national popular
vote".

§ 12-402. Adoption and text of compact. The agreement among the states
to elect the president by national popular vote is adopted and enacted
into law as follows:

ARTICLE I

Membership. Any state of the United States and the District of Colum-
bia may become a member of this agreement by enacting this agreement.

ARTICLE II

Right of the people in member states to vote for president and vice
president. Each member state shall conduct a statewide popular election
for president and vice president of the United States.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD02437-05-9

1 ARTICLE III

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

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

13 3. The presidential elector certifying official of each member state
14 shall certify the appointment in that official's own state of the elec-
15 tor slate nominated in that state in association with the national popu-
16 lar vote winner.

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

23 5. The chief election official of each member state shall treat as
24 conclusive an official statement containing the number of popular votes
25 in a state for each presidential slate made by the day established by
26 federal law for making a state's final determination conclusive as to

27 the counting of electoral votes by congress.

28 6. In event of a tie for the national popular vote winner, the presi-
29 dential elector certifying official of each member state shall certify
30 the appointment of the elector slate nominated in association with the
31 presidential slate receiving the largest number of popular votes within
32 that official's own state.

33 7. If, for any reason, the number of presidential electors nominated
34 in a member state in association with the national popular vote winner
35 is less than or greater than that state's number of electoral votes, the
36 presidential candidate on the presidential slate that has been desig-
37 nated as the national popular vote winner shall have the power to nomi-
38 nate the presidential electors for that state and that state's presiden-
39 tial elector certifying official shall certify the appointment of such
40 nominees.

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

44 9. This article shall govern the appointment of presidential electors
45 in each member state in any year in which this agreement is, on July
46 twentieth, in effect in states cumulatively possessing a majority of the
47 electoral votes.

48 ARTICLE IV

49 Other provisions. This agreement shall take effect when states cumula-
50 tively possessing a majority of the electoral votes have enacted this
51 agreement in substantially the same form and the enactments by such

52 states have taken effect in each state. Any member state may withdraw
53 from this agreement, except that a withdrawal occurring six months or
54 less before the end of a president's term shall not become effective
55 until a president or vice president shall have been qualified to serve

S. 2286--A

3

1 the next term. The chief executive of each member state shall promptly
2 notify the chief executive of all other states of when this agreement
3 has been enacted and has taken effect in that official's state, when the
4 state has withdrawn from this agreement, and when this agreement takes
5 effect generally.

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

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

9 ARTICLE V

10 Definitions. For purposes of this agreement:

11 1. "Chief executive" shall mean the governor of a state of the United
12 States or the mayor of the District of Columbia.

13 2. "Elector slate" shall mean a slate of candidates who have been
14 nominated in a state for the position of presidential elector in associ-
15 ation with a presidential slate.

16 3. "Chief election official" shall mean the state official or body
17 that is authorized to certify the total number of popular votes for each
18 presidential slate.

19 4. "Presidential elector" shall mean an elector for president and vice

20 president of the United States.

21 5. "Presidential elector certifying official" shall mean the state
22 official or body that is authorized to certify the appointment of the
23 state's presidential electors.

24 6. "Presidential slate" shall mean a slate of two persons, the first
25 of whom has been nominated as a candidate for president of the United
26 States and the second of whom has been nominated as a candidate for vice
27 president of the United States, or any legal successors to such persons,
28 regardless of whether both names appear on the ballot presented to the
29 voter in a particular state.

30 7. "State" shall mean a state of the United States and the District of
31 Columbia.

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

35 § 2. This act shall take effect immediately; provided that the commis-
36 sioner of the state board of elections shall notify the legislative bill
37 drafting commission upon the occurrence of the adoption of the agreement
38 among the states to elect the president by national popular vote by two
39 or more states in order that the commission may maintain an accurate and
40 timely effective data base of the official text of the laws of the state
41 of New York in furtherance of effecting the provisions of section 44 of
42 the legislative law and section 70-b of the public officers law.