4422

2013-2014 Regular Sessions

IN ASSEMBLY

February 5, 2013

Introduced by M. of A. DINOWITZ, THIELE, MILLMAN, GALEF, LAVINE, KAVANAGH, GOTTFRIED, COOK, JAFFEE, TITUS, ENGLEBRIGHT, PERRY, O'DONNELL, PAULIN, LIFTON, CAMARA, ROBINSON, ORTIZ, RIVERA, RAMOS, QUART, BARRON, BOYLAND, BROOK-KRASNY, COLTON, CASTRO, BRENNAN, SCHI-MEL, GIBSON, HOOPER, LUPARDO, GUNTHER, ROSENTHAL, WEPRIN, MILLER, MAGNARELLI, STEVENSON, RODRIGUEZ, GOLDFEDER, ZEBROWSKI, STECK, SEPULVEDA -- Multi-Sponsored by -- M. of A. ABINANTI, ARROYO, BRINDI-SI, CRESPO, CROUCH, CYMBROWITZ, DenDEKKER, DUPREY, ESPINAL, GLICK, HAWLEY, HEASTIE, JACOBS, LENTOL, P. LOPEZ, MAGEE, MAISEL, MARKEY, MCDONALD, MCDONOUGH, MOYA, OAKS, RYAN, SCARBOROUGH, SIMANOWITZ, SKAR-TADOS, SWEENEY, TITONE, WEINSTEIN, WEISENBERG -- read once and referred to the Committee on Election Law

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 TITLE IV 4 AGREEMENT AMONG THE STATES TO ELECT THE 5 PRESIDENT BY NATIONAL POPULAR VOTE 6 SECTION 12-400. SHORT TITLE. 7 12-402. ADOPTION AND TEXT OF COMPACT. 8 S 12-400. SHORT TITLE. THIS TITLE SHALL BE KNOWN AND MAY BE CITED AS 9 "AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR 10 VOTE". S 12-402. ADOPTION AND TEXT OF COMPACT. THE AGREEMENT AMONG THE STATES 11 TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE IS ADOPTED AND ENACTED 12 13 INTO LAW AS FOLLOWS:

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ARTICLE I

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

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1 MEMBERSHIP. ANY STATE OF THE UNITED STATES AND THE DISTRICT OF COLUM-2 BIA MAY BECOME A MEMBER OF THIS AGREEMENT BY ENACTING THIS AGREEMENT.

ARTICLE II

4 RIGHT OF THE PEOPLE IN MEMBER STATES TO VOTE FOR PRESIDENT AND VICE 5 PRESIDENT. EACH MEMBER STATE SHALL CONDUCT A STATEWIDE POPULAR ELECTION 6 FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES.

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ARTICLE III

8 MANNER OF APPOINTING PRESIDENTIAL ELECTORS IN MEMBER STATES. 1. PRIOR 9 TO THE TIME SET BY LAW FOR THE MEETING AND VOTING BY THE PRESIDENTIAL ELECTORS, THE CHIEF ELECTION OFFICIAL OF EACH MEMBER STATE SHALL DETER-10 MINE THE NUMBER OF VOTES FOR EACH PRESIDENTIAL SLATE IN EACH STATE OF 11 12 THE UNITED STATES AND IN THE DISTRICT OF COLUMBIA IN WHICH VOTES HAVE 13 BEEN CAST IN A STATEWIDE POPULAR ELECTION AND SHALL ADD SUCH VOTES 14 TOGETHER TO PRODUCE A "NATIONAL POPULAR VOTE TOTAL" FOR EACH PRESIDEN-15 TIAL SLATE.

16 2. THE CHIEF ELECTION OFFICIAL OF EACH MEMBER STATE SHALL DESIGNATE 17 THE PRESIDENTIAL SLATE WITH THE LARGEST NATIONAL POPULAR VOTE TOTAL AS 18 THE "NATIONAL POPULAR VOTE WINNER".

19 3. THE PRESIDENTIAL ELECTOR CERTIFYING OFFICIAL OF EACH MEMBER STATE 20 SHALL CERTIFY THE APPOINTMENT IN THAT OFFICIAL'S OWN STATE OF THE ELEC-21 TOR SLATE NOMINATED IN THAT STATE IN ASSOCIATION WITH THE NATIONAL POPU-22 LAR VOTE WINNER.

4. AT LEAST SIX DAYS BEFORE THE DAY FIXED BY LAW FOR THE MEETING AND VOTING BY THE PRESIDENTIAL ELECTORS, EACH MEMBER STATE SHALL MAKE A FINAL DETERMINATION OF THE NUMBER OF POPULAR VOTES CAST IN THE STATE FOR EACH PRESIDENTIAL SLATE AND SHALL COMMUNICATE AN OFFICIAL STATEMENT OF SUCH DETERMINATION WITHIN TWENTY-FOUR HOURS TO THE CHIEF ELECTION OFFI-CIAL OF EACH OTHER MEMBER STATE.

5. THE CHIEF ELECTION OFFICIAL OF EACH MEMBER STATE SHALL TREAT AS CONCLUSIVE AN OFFICIAL STATEMENT CONTAINING THE NUMBER OF POPULAR VOTES IN A STATE FOR EACH PRESIDENTIAL SLATE MADE BY THE DAY ESTABLISHED BY FEDERAL LAW FOR MAKING A STATE'S FINAL DETERMINATION CONCLUSIVE AS TO THE COUNTING OF ELECTORAL VOTES BY CONGRESS.

6. IN EVENT OF A TIE FOR THE NATIONAL POPULAR VOTE WINNER, THE PRESI-DENTIAL ELECTOR CERTIFYING OFFICIAL OF EACH MEMBER STATE SHALL CERTIFY THE APPOINTMENT OF THE ELECTOR SLATE NOMINATED IN ASSOCIATION WITH THE PRESIDENTIAL SLATE RECEIVING THE LARGEST NUMBER OF POPULAR VOTES WITHIN THAT OFFICIAL'S OWN STATE.

39 7. IF, FOR ANY REASON, THE NUMBER OF PRESIDENTIAL ELECTORS NOMINATED IN A MEMBER STATE IN ASSOCIATION WITH THE NATIONAL POPULAR VOTE WINNER 40 41 IS LESS THAN OR GREATER THAN THAT STATE'S NUMBER OF ELECTORAL VOTES, THE PRESIDENTIAL CANDIDATE ON THE PRESIDENTIAL SLATE THAT HAS BEEN DESIG-42 43 NATED AS THE NATIONAL POPULAR VOTE WINNER SHALL HAVE THE POWER TO NOMI-NATE THE PRESIDENTIAL ELECTORS FOR THAT STATE AND THAT STATE'S PRESIDEN-44 45 TIAL ELECTOR CERTIFYING OFFICIAL SHALL CERTIFY THE APPOINTMENT OF SUCH 46 NOMINEES.

47 8. THE CHIEF ELECTION OFFICIAL OF EACH MEMBER STATE SHALL IMMEDIATELY
48 RELEASE TO THE PUBLIC ALL VOTE COUNTS OR STATEMENTS OF VOTES AS THEY ARE
49 DETERMINED OR OBTAINED.

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9. THIS ARTICLE SHALL GOVERN THE APPOINTMENT OF PRESIDENTIAL ELECTORS
51 IN EACH MEMBER STATE IN ANY YEAR IN WHICH THIS AGREEMENT IS, ON JULY
52 TWENTIETH, IN EFFECT IN STATES CUMULATIVELY POSSESSING A MAJORITY OF THE
53 ELECTORAL VOTES.

4 AC 5 ST 6 FF 7 LE 8 UN 9 TH 10 NC 11 HZ 12 ST 13 EF 14 15	ARTICLE IV OTHER PROVISIONS. THIS AGREEMENT SHALL TAKE EFFECT WHEN STATES CUMULA- IVELY POSSESSING A MAJORITY OF THE ELECTORAL VOTES HAVE ENACTED THIS GREEMENT IN SUBSTANTIALLY THE SAME FORM AND THE ENACTMENTS BY SUCH TATES HAVE TAKEN EFFECT IN EACH STATE. ANY MEMBER STATE MAY WITHDRAW ROM THIS AGREEMENT, EXCEPT THAT A WITHDRAWAL OCCURRING SIX MONTHS OR ESS BEFORE THE END OF A PRESIDENT'S TERM SHALL NOT BECOME EFFECTIVE NTIL A PRESIDENT OR VICE PRESIDENT SHALL HAVE BEEN QUALIFIED TO SERVE HE NEXT TERM. THE CHIEF EXECUTIVE OF EACH MEMBER STATE SHALL PROMPTLY OTIFY THE CHIEF EXECUTIVE OF ALL OTHER STATES OF WHEN THIS AGREEMENT AS BEEN ENACTED AND HAS TAKEN EFFECT IN THAT OFFICIAL'S STATE, WHEN THE TATE HAS WITHDRAWN FROM THIS AGREEMENT, AND WHEN THIS AGREEMENT TAKES FFECT GENERALLY. THIS AGREEMENT SHALL TERMINATE IF THE ELECTORAL COLLEGE IS ABOLISHED. IF ANY PROVISION OF THIS AGREEMENT IS HELD INVALID, THE REMAINING ROVISIONS SHALL NOT BE AFFECTED.
21 22 NC 23 AT 24 25 TH 26 PF 27 28 PF 29 30 OF 31 ST 32 33 OF 31 ST 32 33 OF 34 ST 35 PF 36 RF 37 VC 38 39 CC 40 41 VC 42 ON 43 44 si 45 dr 45 dr 46 an 47 or 48 ti 49 of	DEFINITIONS. FOR PURPOSES OF THIS AGREEMENT: 1. "CHIEF EXECUTIVE" SHALL MEAN THE GOVERNOR OF A STATE OF THE UNITED TATES OR THE MAYOR OF THE DISTRICT OF COLUMBIA. 2. "ELECTOR SLATE" SHALL MEAN A SLATE OF CANDIDATES WHO HAVE BEEN OMINATED IN A STATE FOR THE POSITION OF PRESIDENTIAL ELECTOR IN ASSOCI- TION WITH A PRESIDENTIAL SLATE. 3. "CHIEF ELECTION OFFICIAL" SHALL MEAN THE STATE OFFICIAL OR BODY HAT IS AUTHORIZED TO CERTIFY THE TOTAL NUMBER OF POPULAR VOTES FOR EACH RESIDENTIAL ELECTOR" SHALL MEAN AN ELECTOR FOR PRESIDENT AND VICE RESIDENTIAL ELECTOR CERTIFYING OFFICIAL" SHALL MEAN THE STATE 5. "PRESIDENTIAL ELECTOR CERTIFYING OFFICIAL" SHALL MEAN THE STATE FFICIAL OR BODY THAT IS AUTHORIZED TO CERTIFY THE APPOINTMENT OF THE TATE'S PRESIDENTIAL ELECTORS. 6. "PRESIDENTIAL SLATE" SHALL MEAN A SLATE OF TWO PERSONS, THE FIRST F WHOM HAS BEEN NOMINATED AS A CANDIDATE FOR PRESIDENT OF THE UNITED TATES AND THE SECOND OF WHOM HAS BEEN NOMINATED AS A CANDIDATE FOR VICE RESIDENT OF THE UNITED STATES. OR ANY LEGAL SUCCESSORS TO SUCH PERSONS, EGARDLESS OF WHETHER BOTH NAMES APPEAR ON THE BALLOT PRESENTED TO THE OTTER IN A PARTICULAR STATE. 7. "STATE" SHALL MEAN A STATE OF THE UNITED STATES AND THE DISTRICT OF OLUMBIA. 8. "STATEWIDE POPULAR ELECTION" SHALL MEAN A GENERAL ELECTION IN WHICH OTES ARE CAST FOR PRESIDENTIAL SLATES BY INDIVIDUAL VOTERS AND COUNTED N A STATEWIDE BASIS. S 2. This act shall take effect immediately; provided that the commis- ioner of the state board of elections shall notify the legislative bill rafting commission upon the occurrence of the adoption of the agreement mong the states to elect the president by national popular vote by two imper of the state board of elections thall notify the legislative bill rafting commission upon the occurrence of the adoption of the agreement mong the states to elect the president by national popular vote by two imper of the state board of the official text of the laws of the state f New York in furtherance of effecting the provision