

AMENDED IN SENATE AUGUST 10, 2006

AMENDED IN ASSEMBLY APRIL 4, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2948

Introduced by Assembly Members Umberg, Dymally, and Laird
(Coauthors: Assembly Members Hancock, Leno, and Lieu)
(Coauthor: Senator Scott)

February 24, 2006

An act to add Chapter 1.5 (commencing with Section 6920) to, ~~and 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 amended, 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 ratify a specified interstate compact that requires the chief election official of each signatory state to appoint the slate of presidential electors that was nominated in association with the presidential ticket that received the largest national popular vote total. This compact would only become effective if states cumulatively possessing a majority of the total electoral votes have ratified the compact.

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. Chapter 1.5 (commencing with Section 6920) is
2 added to Part 2 of Division 6 of the Elections Code, to read:

3

4

CHAPTER 1.5. VOTING COMPACT

5

6 6920. The Legislature of the State of California hereby
7 ratifies the Agreement Among the States to Elect the President
8 by National Popular Vote as set forth in Section 6921.

9 6921. The provisions of the Agreement Among the States to
10 Elect the President by National Popular Vote are as follows:

11

12

Article 1. Membership

13

14 Any state of the United States and the District of Columbia
15 may become a member of this agreement by enacting this
16 agreement.

17

18 Article 2. Right of the People in Member States to Vote for
19 President and Vice President

20

21 Each member state shall conduct a statewide popular election
22 for President and Vice President of the United States.

23

24 Article 3. Manner of Appointing Presidential Electors in
25 Member States

26

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

1 The chief election official of each member state shall designate
2 the presidential slate with the largest national popular vote total
3 as the “national popular vote winner.”

4 The presidential elector certifying official of each member
5 state shall certify the appointment in that official’s own state of
6 the elector slate nominated in that state in association with the
7 national popular vote winner.

8 At least six days before the day fixed by law for the meeting
9 and voting by the presidential electors, each member state shall
10 make a final determination of the number of popular votes cast in
11 the state for each presidential slate and shall communicate an
12 official statement of ~~this~~ *such* determination within 24 hours to
13 the chief election official of each other member state.

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

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

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

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

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

Article 4. Other Provisions

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

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

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

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

This agreement shall terminate if the electoral college is abolished.

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

Article 5. Definitions

21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

For purposes of this agreement, “chief executive” shall mean the governor of a state of the

United States or the Mayor of the District of Columbia; “elector slate” shall mean a slate of candidates who have been nominated in a state for the position of presidential elector in association with a presidential slate; “chief election official” shall mean the state official or body that is authorized to certify the total number of popular votes for each presidential slate; “Presidential elector” shall mean an elector for President and Vice President of the United States; “presidential elector certifying official” shall mean the state official or body that is authorized to certify the appointment of the state’s presidential electors; “presidential slate” shall mean a slate of two persons, the first of whom has been nominated as a candidate for President of the United States and the second of whom has been nominated as a candidate for Vice President of the United States, or any legal successors to such persons, regardless of whether both names appear on the ballot presented to the voter in a

1 particular state; “state” shall mean a state of the United States
2 and the District of Columbia; and “statewide popular election”
3 shall mean a general election in which votes are cast for
4 presidential slates by individual voters and counted on a
5 statewide basis.

O