
A BILL FOR AN ACT

RELATING TO PRESIDENTIAL ELECTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the current system
2 of allocating a state's electoral votes in presidential
3 elections on a statewide winner-takes-all basis divides the
4 country along regional lines, undermines accountability, creates
5 a limited number of "battleground" states, dampens voter
6 participation, and can result in the election of a presidential
7 candidate who did not prevail in the national popular vote. The
8 purpose of this Act is to require the State to enter into an
9 interstate compact with other states that would obligate
10 Hawaii's chief election officer to certify to the governor the
11 names of the presidential electors of the same political party
12 as the candidates for president and vice president receiving the
13 highest number of votes in the national popular vote.

14 SECTION 2. Chapter 14, Hawaii Revised Statutes, is amended
15 by adding a new section to be appropriately designated and to
16 read as follows:

17 "§14- Enactment of compact. The Agreement Among the
18 States to Elect the President by National Popular Vote is hereby



1 enacted into law and entered into by this State as a party, and
2 is in full force and effect between this State and any other
3 state joining therein in accordance with the terms of the
4 compact, which compact is substantially as follows:

5 **AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT**

6 **BY NATIONAL POPULAR VOTE**

7 **ARTICLE I**

8 **MEMBERSHIP**

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

12 **ARTICLE II**

13 **RIGHT OF THE PEOPLE IN MEMBER STATES TO VOTE FOR**

14 **PRESIDENT AND VICE PRESIDENT**

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

17 **ARTICLE III**

18 **MANNER OF APPOINTING PRESIDENTIAL ELECTORS**

19 **IN MEMBER STATES**

20 Prior to the time set by law for the meeting and voting by
21 the presidential electors, the chief election official of each
22 member state shall determine the number of votes for each



1 presidential slate in each state of the United States and in the
2 District of Columbia in which votes have been cast in a
3 statewide popular election and shall add such votes together to
4 produce a national popular vote total for each presidential
5 slate.

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

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

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

20 The chief election official of each member state shall
21 treat as conclusive an official statement containing the number
22 of popular votes in a state for each presidential slate made by



1 the day established by federal law for making a state's final
2 determination conclusive as to the counting of electoral votes
3 by Congress.

4 In the event of a tie for the national popular vote winner,
5 the presidential elector certifying official of each member
6 state shall certify the appointment of the elector slate
7 nominated in association with the presidential slate receiving
8 the largest number of popular votes within that official's own
9 state.

10 If, for any reason, the number of presidential electors
11 nominated in a member state in association with the national
12 popular vote winner is less than or greater than that state's
13 number of electoral votes, the presidential candidate on the
14 presidential slate that has been designated as the national
15 popular vote winner shall have the power to nominate the
16 presidential electors for that state and that state's
17 presidential elector certifying official shall certify the
18 appointment of such nominees. The chief election official of
19 each member state shall immediately release to the public all
20 vote counts or statements of votes as they are determined or
21 obtained.



1 successors to such persons, regardless of whether both names
2 appear on the ballot presented to the voter in a particular
3 state;

4 "State" shall mean a state of the United States and the
5 District of Columbia; and

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

9 SECTION 3. Section 14-24, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§14-24 Certificate of election, notice of meeting.** [~~Not~~
12 ~~later than 4:30 p.m. on the last day in the month of the~~
13 ~~election, or as soon as the returns have been received from all~~
14 ~~counties in the State, if received before that time, the chief~~
15 ~~election officer shall]~~ In the manner provided in section 14-
16 , the chief election officer shall certify to the governor
17 the names of the presidential electors and alternates of the
18 same political party or group as the candidates for president
19 and vice president receiving the highest number of votes in the
20 national popular vote as elected as presidential electors and
21 alternates. Thereupon the governor shall in accordance with the
22 laws of the United States, communicate by registered mail under



1 the seal of the State of Hawaii to the administrator of general
 2 services of the United States, the certificates of persons
 3 elected as presidential electors, setting forth the names of the
 4 electors and the total number of votes cast for each elector.
 5 The chief election officer shall thereupon, together with a
 6 notice of the time and place of the meeting of the electors,
 7 cause to issue and transmit to each elector and alternate a
 8 certificate of election signed by the governor in substantially
 9 the following form:

10 **CERTIFICATE OF ELECTION OF**
 11 **PRESIDENTIAL ELECTORS**

12 I,.....Governor of the State of Hawaii, do hereby
 13 certify that....., a member of the.....party
 14 or group, was on the.....day of....., [~~19~~]
 15 20....., duly elected a Presidential Elector for the State of
 16 Hawaii for the presidential election of [~~19~~] 20.....

17 **CERTIFICATE OF ELECTION OF**
 18 **ALTERNATE PRESIDENTIAL ELECTOR**

19 I,.....Governor of the State of Hawaii, do hereby
 20 certify that....., a member of the.....party
 21 or group, was on the.....day of....., [~~19~~]
 22 20....., duly elected.....Alternate Presidential



H.B. NO. 371

1 Elector for Presidential Elector.....for the State of
2 Hawaii for the presidential election of [~~19~~] 20....."

3 SECTION 4. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.

6

INTRODUCED BY: Tony Watkins

JAN 19 2007



Report Title:

Elections; Presidential Electors

Description:

Authorizes and directs the governor to enter into an interstate compact requiring the State to certify electors of the same political party as that of the winner of the national popular vote in a presidential election.

