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An Act To Implement the National Popular Vote for President of the United States

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 21-A MRSA §805, sub-§2, as enacted by PL 1985, c. 161, §6, is amended to read:

2. Presidential electors. The presidential electors at large shall cast their ballots for the presidential and vice-presidential candidates ~~who received the largest number of votes in the State of the political party that nominated the presidential electors or, in the case of presidential and vice-presidential candidates nominated by petition under section 354, subsection 1, paragraph B, for the presidential and vice-presidential candidates named in the petition.~~ The presidential electors of each congressional district shall cast their ballots for the presidential and vice-presidential candidates ~~who received the largest number of votes in each respective congressional district of the political party that nominated the presidential electors or, in the case of presidential and vice-presidential candidates nominated by petition under section 354, subsection 1, paragraph B, for the presidential and vice-presidential candidates named in the petition.~~

Sec. 2. 21-A MRSA c. 17 is enacted to read:

CHAPTER 17

INTERSTATE COMPACT: AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT OF THE UNITED STATES BY NATIONAL POPULAR VOTE

§ 1301. Membership - Article 1

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

§ 1302. Right of people in member states to vote for President and Vice President - Article 2

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

§ 1303. Manner of appointing presidential electors in member states - Article 3

Prior to the time set by law for the meeting of and voting by the presidential electors, the chief election official of each member state shall determine the number of votes for each presidential slate in each state of the United States and in the District of Columbia in which votes have been cast in a statewide popular election and shall add such votes together to produce a national popular vote total for each presidential slate.

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

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

At least 6 days before the day fixed by law for the meeting of 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 24 hours to the chief election official of each other member state.

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.

In the event of a tie for the national popular vote winner, the presidential 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.

If, for any reason, the number of presidential electors nominated in a member state in association with the national popular vote winner is less than or greater than that state's number of electoral votes, the presidential candidate on the presidential slate that has been designated as the national popular vote winner may nominate the presidential electors for that state and that state's presidential elector certifying official shall certify the appointment of such nominees.

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

This article governs the appointment of presidential electors in each member state in any year in which this agreement is, on July 20th, in effect in states cumulatively possessing a majority of the electoral votes.

§ 1304. Contingent effective date; withdrawal; notification; severability - Article 4

This agreement takes 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 6 months or less before the end of a President's term does not become effective until a President or Vice President has been qualified to serve the next term.

The chief executive of each member state shall promptly notify the chief executive of all other states 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 terminates if the electoral college is abolished.

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

§ 1305. Definitions - Article 5

As used in this agreement, the following terms have the following meanings.

1. Chief election official. "Chief election official" means the state official or body that is authorized to certify the total number of popular votes for each presidential slate.

2. Chief executive. "Chief executive" means the governor of a state of the United States or the Mayor of the District of Columbia.

3. Elector slate. "Elector slate" means a slate of candidates who have been nominated in a state for the position of presidential elector in association with a presidential slate.

4. Presidential elector. "Presidential elector" means an elector for President and Vice President of the United States.

5. Presidential elector certifying official. "Presidential elector certifying official" means the state official or body that is authorized to certify the appointment of the state's presidential electors.

6. Presidential slate. "Presidential slate" means a slate of 2 persons, the first of whom has been nominated as a candidate for President of the United States and the 2nd 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 voters in a particular state.

7. State. "State" means a state of the United States and the District of Columbia.

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

Sec. 3. Legislative intent. The text and numbering of the Interstate Compact: Agreement among the States To Elect the President of the United States by National Popular Vote have been changed to conform to Maine statutory conventions. The changes are technical in nature, and it is the intent of the Legislature that this Act be interpreted as substantively the same as the original interstate compact.

SUMMARY

This bill proposes to adopt an interstate compact to elect the President of the United States by national popular vote. Under the compact, the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia is elected President. Under the compact, all of a state's electoral votes would be awarded to the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia. This bill takes effect only if enacted by states possessing a majority of the electoral votes, that is, enough electoral votes to elect a President, which is 270 of 538.