

**SB 5599** - H AMD **629**

By Representative Pedersen

FAILED 4/15/2009

1 On page 1, from the beginning of line 7, strike all of section 1  
2 and insert the following:

3 "NEW SECTION. **Sec. 1.** It is the intent of the legislature to  
4 enter into the agreement among the states to elect the president by  
5 national popular vote without taking into account any concerns raised  
6 by legislators or citizens of the State of Washington. This agreement  
7 is a contract of adhesion created by the first state to pass it,  
8 negotiated by people outside of the State of Washington, and without  
9 any opportunity for the legislature to revise or improve it. As with  
10 any contract of adhesion, it must be accepted in precisely the same  
11 terms that constitute the offer, without any ability to negotiate it  
12 or change its terms. The legislature specifically intends to ignore  
13 concerns raised regarding the failure of the compact to contain any  
14 procedure for a recount in the case of a close election; the failure  
15 of the compact to provide for a process when no candidate receives a  
16 majority of the popular vote cast; and the failure of the compact to  
17 require any uniform standards among member states regarding the  
18 elections process. Any material variance between the offer and  
19 acceptance precludes the formation of a contract. Because there are  
20 only three more legislative sessions before the next presidential  
21 election, it is of critical importance that the legislature act  
22 immediately and not take the time to address the concerns raised.  
23 Therefore, the agreement among the states to elect the president by  
24 national popular vote must be enacted by Washington under identical  
25 terms as contained in the agreement and as enacted by Hawaii,  
26 Illinois, Maryland, and New Jersey, subject to only nonmaterial  
27 changes."

**EFFECT:** Eliminates current intent section. Substitutes a new intent section that notes the Agreement Among the States to Elect the President by National Popular Vote: does not address the concerns of Washington legislators and Washington citizens; and is an adhesion contract.

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