
SENATE BILL 5204

State of Washington

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2009 Regular Session

By Senators McDermott, Oemig, Kohl-Welles, Jarrett, McAuliffe, Regala, Marr, Brown, Tom, Haugen, Kline, Shin, and Pridemore

Read first time 01/16/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to electing the president of the United States by
2 national popular vote; amending RCW 29A.56.320; adding a new section to
3 chapter 29A.56 RCW; and providing a contingent effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 29A.56 RCW
6 to read as follows:

7 The agreement among the states to elect the president by national
8 popular vote is hereby entered into and enacted into law with all
9 jurisdictions legally joining therein, in the form substantially as
10 follows:

11 ARTICLE I - Membership

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

14 ARTICLE II - Right of the People in Member States to Vote
15 for President and Vice President

1 Each member state shall conduct a statewide popular election for
2 president and vice president of the United States.

3 ARTICLE III - Manner of Appointing Presidential Electors
4 in Member States

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

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

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

19 At least six days before the day fixed by law for the meeting and
20 voting by the presidential electors, each member state shall make a
21 final determination of the number of popular votes cast in the state
22 for each presidential slate and shall communicate an official statement
23 of such determination within twenty-four hours to the chief election
24 official of each other member state.

25 The chief election official of each member state shall treat as
26 conclusive an official statement containing the number of popular votes
27 in a state for each presidential slate made by the day established by
28 federal law for making a state's final determination conclusive as to
29 the counting of electoral votes by congress.

30 In event of a tie for the national popular vote winner, the
31 presidential elector certifying official of each member state shall
32 certify the appointment of the elector slate nominated in association
33 with the presidential slate receiving the largest number of popular
34 votes within that official's own state.

35 If, for any reason, the number of presidential electors nominated
36 in a member state in association with the national popular vote winner
37 is less than or greater than that state's number of electoral votes,
38 the presidential candidate on the presidential slate that has been

1 designated as the national popular vote winner shall have the power to
2 nominate the presidential electors for that state and that state's
3 presidential elector certifying official shall certify the appointment
4 of such nominees.

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

8 This article shall govern the appointment of presidential electors
9 in each member state in any year in which this agreement is, on July
10 20, in effect in states cumulatively possessing a majority of the
11 electoral votes.

12 ARTICLE IV - Other Provisions

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

17 Any member state may withdraw from this agreement, except that a
18 withdrawal occurring six months or less before the end of a president's
19 term shall not become effective until a president or vice president
20 shall have been qualified to serve the next term.

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

26 This agreement shall terminate if the electoral college is
27 abolished.

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

30 ARTICLE V - Definitions

31 For purposes of this agreement:

32 "Chief executive" shall mean the governor of a state of the United
33 States or the mayor of the District of Columbia;

34 "Elector slate" shall mean a slate of candidates who have been
35 nominated in a state for the position of presidential elector in
36 association with a presidential slate;

1 "Chief election official" shall mean the state official or body
2 that is authorized to certify the total number of popular votes for
3 each presidential slate;

4 "Presidential elector" shall mean an elector for president and vice
5 president of the United States;

6 "Presidential elector certifying official" shall mean the state
7 official or body that is authorized to certify the appointment of the
8 state's presidential electors;

9 "Presidential slate" shall mean a slate of two persons, the first
10 of whom has been nominated as a candidate for president of the United
11 States and the second of whom has been nominated as a candidate for
12 vice president of the United States, or any legal successors to such
13 persons, regardless of whether both names appear on the ballot
14 presented to the voter in a particular state;

15 "State" shall mean a state of the United States and the District of
16 Columbia; and

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

20 **Sec. 2.** RCW 29A.56.320 and 2003 c 111 s 1425 are each amended to
21 read as follows:

22 In the year in which a presidential election is held, each major
23 political party and each minor political party or independent candidate
24 convention held under chapter 29A.20 RCW that nominates candidates for
25 president and vice president of the United States shall nominate
26 presidential electors for this state. The party or convention shall
27 file with the secretary of state a certificate signed by the presiding
28 officer of the convention at which the presidential electors were
29 chosen, listing the names and addresses of the presidential electors.
30 Each presidential elector shall execute and file with the secretary of
31 state a pledge that, as an elector, he or she will vote for the
32 candidates nominated by that party. The names of presidential electors
33 shall not appear on the ballots. (~~The votes cast for candidates for
34 president and vice president of each political party shall be counted
35 for the candidates for presidential electors of that political party.~~)
36 Final appointment of presidential electors must be in accordance with

1 section 1 of this act, the interstate agreement for the election of the
2 president of the United States by national popular vote.

3 NEW SECTION. **Sec. 3.** Section 2 of this act takes effect when
4 states cumulatively possessing a majority of the electoral votes have
5 enacted this agreement in substantially the same form and the
6 enactments by these states have taken effect in each state.

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