Add Art 12 Title IV SS12-400 & 12-402, El L

Enacts the agreement among the states to elect the president by national popular vote; creates a compact between the states and the District of Columbia; defines terms.
AN ACT to amend the election law, in relation to enacting the agreement among the states to elect the president by national popular vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article 12 of the election law is amended by adding a new title 4 to read as follows:

TITLE IV
AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE

Section 12-400. Short title.

§ 12-402. Adoption and text of compact.

ARTICLE I
EXPLANATION--Matter in italics (underscored) is new; matter in brackets [−] is old law to be omitted.

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

Right of the people in member states to vote for president and vice president. Each member state shall conduct a statewide popular election for president and vice president of the United States.
ARTICLE III

Manner of appointing presidential electors in member states. 1. Prior to the time set by law for the meeting 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.

2. 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".

3. 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.

4. At least six days before the day fixed by law for the meeting 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 twenty-four hours to the chief election official of each other member state.

5. 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.

6. In 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.

7. 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 shall have the power to nominate the presidential electors for that state and that state's presidential elector certifying official shall certify the appointment of such nominees.

8. 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.

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

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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 V
Definitions. For purposes of this agreement:
1. "Chief executive" shall mean the governor of a state of the United States or the mayor of the District of Columbia.
2. "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.
3. "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.
4. "Presidential elector" shall mean an elector for president and vice president of the United States.
5. "Presidential elector certifying official" shall mean the state official or body that is authorized to certify the appointment of the state's presidential electors.
6. "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 particular state.
7. "State" shall mean a state of the United States and the District of Columbia.
8. "Statewide popular election" shall mean a general election in which votes are cast for presidential slates by individual voters and counted on a statewide basis.

§ 2. This act shall take effect immediately; provided that the commissioner of the state board of elections shall notify the legislative bill drafting commission upon the occurrence of the adoption of the agreement among the states to elect the president by national popular vote by two or more states in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effecting the provisions of section 44 of the legislative law and section 70-b of the public officers law.

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A4422

SPONSOR: Dinowitz (MS)

TITLE OF BILL: An act to amend the election law, in relation to enacting the agreement among the states to elect the president by national popular vote

PURPOSE OR GENERAL IDEA OF BILL:
To make an interstate agreement among member states to award their electoral votes for president to the candidate that receives a majority of the popular vote cast within all 50 states including the District of Columbia. These participating states will award their electoral votes together in an effort to reflect the will of the majority of voters who participated in the election.
SUMMARY OF SPECIFIC PROVISIONS:
See Bill

JUSTIFICATION:

Article II of the United States Constitution explicitly outlines the manner in which the President and Vice President are elected saying that "Each State shall appoint, in such a manner as the Legislature thereof may direct, a Number of Electors, equal to the whole numbers of Senators and Representatives to which the State may be entitled in the Congress..."

21st Century politics has created a system in which candidates are provided with voting histories, demographic analysis, and scores of other types of information that shapes how campaign time and money is spent. Certain states may be deemed "Red", or historically in support of Republican candidates or "Blue", meaning historically in support of Democratic candidates. In addition, candidates for President have spent a majority of their time campaigning in "battleground states" that research has shown to be evenly divided and a potential victory for either candidate, while depending on the votes from "Red" or "Blue" states without working to earn them.

Also in the Presidential elections of 2000 and 2004, the winners were selected based upon the outcomes of elections in one state or less because of their weight in the Electoral College. The "winner take all" system is no longer adequate, and the voice of millions of Americans should not be concentrated into the outcome of one state's election.

This interstate agreement would send a clear message to Presidential candidates that no citizens' vote can be expected based upon party affiliation alone. An office that is representing all 50 states should be filled by a candidate who campaigned in all 50 states to gain the knowledge and support of all citizens.

A federal constitutional amendment (requiring two-thirds of Congress and 38 states) is not required to change the state laws that currently specify use of the winner-take-all rule. Nationwide popular election of the President can be implemented if the states join together to pass identical state laws awarding all of their electoral votes to the presidential candidate receiving the most popular votes in all 50 states and the District of Columbia. The proposed state legislation would come into effect only when it has been enacted, in identical form, by enough states to elect a President—that is, by states possessing a majority (270) of the 538 electoral votes.

PRIOR LEGISLATIVE HISTORY:

2011-12- A.489- Advanced to 3rd Reading Cal.15/S.4208- Passed Senate
2009-10- A.1580-A- Advanced to 3rd Reading cal. 508/S.2286-Passed Senate
2007-08- A.3883-A- Advanced to 3rd Reading cal. 972/S.7582- Referred to Elections
2005-06- A.11563- Referred to Election Law/A.12102- Referred to Election Law

FISCAL IMPLICATIONS:
**EFFECTIVE DATE:**
This act shall take effect immediately; provided that the commissioner of the State Board of Elections shall notify the Legislative Bill Drafting Commission upon the concurrence of the adoption of the agreement among the states to elect the president by national popular vote by two or more states in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effecting the provisions of section 44 of the legislative law and section 70-b of the public officers law.