

HB 148 – AS INTRODUCED

2013 SESSION

13-0354  
03/05

HOUSE BILL            **148**  
AN ACT                relative to electoral college electors.  
SPONSORS:            Rep. Weed, Ches 16  
COMMITTEE:          Election Law

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ANALYSIS

This bill adopts the interstate agreement to elect the president by national popular vote.

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Explanation:        Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears [~~in brackets and struckthrough.~~]  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT relative to electoral college electors.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 New Chapter; Agreement Among the States to Elect the President by National Popular Vote.  
2 Amend RSA by inserting after chapter 659 the following new chapter:

3 CHAPTER 659-A

4 AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR  
5 VOTE

6 659-A:1 Agreement Among the States to Elect the President by National Popular Vote. The  
7 agreement among the states to elect the president by national popular vote is hereby adopted as  
8 follows:

9 Agreement Among the States to Elect the President by National Popular Vote.

10 Article I

11 Membership

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

14 Article II

15 Right of the People in Member States to Vote for President and Vice President

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

18 Article III

19 Manner of Appointing Presidential Electors in Member States

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

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

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

30 At least six days before the day fixed by law for the meeting and voting by the presidential  
31 electors, each member state shall make a final determination of the number of popular votes cast in

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1 the state for each presidential slate and shall communicate an official statement of such  
2 determination within 24 hours to the chief election official of each other member state.

3 The chief election official of each member state shall treat as conclusive an official statement  
4 containing the number of popular votes in a state for each presidential slate made by the day  
5 established by federal law for making a state's final determination conclusive as to the counting of  
6 electoral votes by Congress.

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

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

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

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

21 Article IV

22 Other Provisions

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

26 Any member state may withdraw from this agreement, except that a withdrawal occurring six  
27 months or less before the end of a President's term shall not become effective until a President or  
28 Vice President shall have been qualified to serve the next term.

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

32 This agreement shall terminate if the electoral college is abolished.

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

34 Article V

35 Definitions

36 For purposes of this agreement,

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1 “chief executive” shall mean the Governor of a State of the United States or the Mayor of the  
2 District of Columbia;

3 “elector slate” shall mean a slate of candidates who have been nominated in a state for the  
4 position of presidential elector in association with a presidential slate;

5 “chief election official” shall mean the state official or body that is authorized to certify the total  
6 number of popular votes for each presidential slate;

7 “presidential elector” shall mean an elector for President and Vice President of the  
8 United States;

9 “presidential elector certifying official” shall mean the state official or body that is authorized to  
10 certify the appointment of the state’s presidential electors;

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

15 “state” shall mean a State of the United States and the District of Columbia; and

16 “statewide popular election” shall mean a general election in which votes are cast for presidential  
17 slates by individual voters and counted on a statewide basis.

18 2 Effective Date. This act shall take effect 60 days after its passage.