

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 270 Session of 2019

INTRODUCED BY LEACH, SANTARSIERO, FONTANA, SCHWANK, HUGHES AND DINNIMAN, JULY 9, 2019

REFERRED TO STATE GOVERNMENT, JULY 9, 2019

AN ACT

1 Authorizing the Commonwealth of Pennsylvania to join the  
2 Agreement Among the States to Elect the President by National  
3 Popular Vote; and providing for the form of the agreement.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Agreement  
8 Among the States to Elect the President by National Popular Vote  
9 Act.

10 Section 2. Text of agreement.

11 The Agreement Among the States to Elect the President by  
12 National Popular Vote is enacted into law and entered into with  
13 all other signatory jurisdictions in substantially the following  
14 form:

15 ARTICLE I

16 MEMBERSHIP

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

1 agreement.

2 ARTICLE II

3 RIGHT OF THE PEOPLE IN MEMBER STATES TO VOTE  
4 FOR PRESIDENT AND VICE PRESIDENT

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

7 ARTICLE III

8 MANNER OF APPOINTING PRESIDENTIAL ELECTORS IN MEMBER STATES

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

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

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

24 At least six days before the day fixed by law for the meeting  
25 and voting by the presidential electors, each member state shall  
26 make a final determination of the number of popular votes cast  
27 in the state for each presidential slate and shall communicate  
28 an official statement of the determination within 24 hours to  
29 the chief election official of each other member state.

30 The chief election official of each member state shall treat

1 as conclusive an official statement containing the number of  
2 popular votes in a state for each presidential slate made by the  
3 day established by Federal law for making a state's final  
4 determination as to the counting of electoral votes by Congress.

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

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

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

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

#### 26 ARTICLE IV

#### 27 OTHER PROVISIONS

28 This agreement shall take effect when states cumulatively  
29 possessing a majority of the electoral votes have enacted this  
30 agreement in substantially the same form and the enactments by

1 the states have taken effect in each state.

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

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

11 This agreement shall terminate if the electoral college is  
12 abolished.

13 If a provision of this agreement is held invalid, the  
14 remaining provisions shall not be affected.

15 ARTICLE V

16 DEFINITIONS

17 For purposes of this agreement,

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

21 "Chief executive" shall mean the Governor of a state of the  
22 United States or the Mayor of the District of Columbia;

23 "Elector slate" shall mean a slate of candidates who have  
24 been nominated in a state for the position of presidential  
25 elector in association with a presidential slate;

26 "Presidential elector" shall mean an elector for President  
27 and Vice President of the United States;

28 "Presidential elector certifying official" shall mean the  
29 state official or body that is authorized to certify the  
30 appointment of the state's presidential electors;

1 "Presidential slate" shall mean a slate of two persons, the  
2 first of whom has been nominated as a candidate for President of  
3 the United States and the second of whom has been nominated as a  
4 candidate for Vice President of the United States, or a legal  
5 successors to the person, regardless of whether both names  
6 appear on the ballot presented to the voter in a particular  
7 state;

8 "State" shall mean a state of the United States and the  
9 District of Columbia; and

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

13 Section 3. Publication in Pennsylvania Bulletin.

14 In the event that the Agreement Among the States to Elect the  
15 President by National Popular Vote takes effect according to  
16 Article IV, the Secretary of the Commonwealth shall forward the  
17 agreement to the Legislative Reference Bureau for publication as  
18 a notice in the Pennsylvania Bulletin. The notice shall include  
19 the date on which the agreement became effective between the  
20 Commonwealth and any other states.

21 Section 4. Effective date.

22 This act shall take effect immediately.