



GOV. MSG. NO. 661

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

April 22, 2008

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith SB2898 SD1, without my approval, and with the statement of objections relating to the measure.

SB2898 SD1

A BILL FOR AN ACT RELATING TO THE
AGREEMENT AMONG THE STATES TO ELECT THE
PRESIDENT BY NATIONAL POPULAR VOTE.

Sincerely,

LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

April 22, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2898

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2898, entitled "A Bill for an Act Relating to the Agreement Among the States to Elect the President by National Popular Vote."

The purpose of this bill is to add a new chapter to the Hawaii Revised Statutes that will cause Hawaii to join an interstate compact or agreement among the member states to award their electoral votes to the national popular vote winner for the office of the President of the United States regardless of the popular vote winner in each member state.

Under this bill, Hawaii's four electoral votes would be awarded to the presidential slate that receives the most votes as determined by the national popular vote regardless of which candidate won the popular vote in Hawaii. Had this compact been in effect since statehood, in four elections Hawaii's electoral votes would have gone to a candidate whom the majority of voters in Hawaii did not want--Richard Nixon rather than Hubert Humphrey in 1968, Ronald Reagan rather than Jimmy Carter in 1980; George Bush rather than Michael Dukakis in 1988, and George W. Bush rather than John Kerry in 2004.

Given the potential under the interstate compact that Hawaii's electoral votes would be awarded in a manner that does not reflect the will of the majority of the voters in Hawaii,

STATEMENT OF OBJECTIONS

SENATE BILL NO. 2898

Page 2

this bill would disenfranchise Hawaii's voters and is not in the best interest of the citizens of the State of Hawaii.

For the foregoing reason, I am returning Senate Bill No. 2898 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "Linda Lingle", written in a cursive style.

LINDA LINGLE
Governor of Hawaii

A BILL FOR AN ACT

RELATING TO THE AGREEMENT AMONG THE STATES TO ELECT THE
PRESIDENT BY NATIONAL POPULAR VOTE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 **"CHAPTER**

5 **AGREEMENT AMONG THE STATES TO ELECT THE**

6 **PRESIDENT BY NATIONAL POPULAR VOTE**

7 **ARTICLE I**

8 **MEMBERSHIP**

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

12 **ARTICLE II**

13 **RIGHT OF THE PEOPLE IN MEMBER STATES TO**

14 **VOTE FOR PRESIDENT AND VICE PRESIDENT**

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



1 **ARTICLE III**2 **MANNER OF APPOINTING PRESIDENTIAL**3 **ELECTORS IN MEMBER STATES**

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

12 The chief election official of each member state shall
13 designate the presidential slate with the largest national
14 popular vote total as the "national popular vote winner." The
15 presidential elector certifying official of each member state
16 shall certify the appointment in that official's own state of
17 the elector slate nominated in that state in association with
18 the national popular vote winner.

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



1 communicate an official statement of such determination within
2 twenty-four hours to the chief election official of each other
3 member state.

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

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

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



1 appointment of such nominees. The chief election official of
2 each member state shall immediately release to the public all
3 vote counts or statements of votes as they are determined or
4 obtained.

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

9 **ARTICLE IV**

10 **OTHER PROVISIONS**

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

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

20 The chief executive of each member state shall promptly
21 notify the chief executive of all other states of when this
22 agreement has been enacted and has taken effect in that



1 official's state, when the state has withdrawn from this
2 agreement, and when this agreement takes effect generally.

3 This agreement shall terminate if the electoral college is
4 abolished.

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

7 **ARTICLE V**

8 **DEFINITIONS**

9 For purposes of this agreement:

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

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

15 "Elector slate" shall mean a slate of candidates who have
16 been nominated in a state for the position of presidential
17 elector in association with a presidential slate;

18 "Presidential elector" shall mean an elector for President
19 and Vice President of the United States;

20 "Presidential elector certifying official" shall mean the
21 state official or body that is authorized to certify the
22 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 any legal
5 successors to such persons, 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
11 in which votes are cast for presidential slates by individual
12 voters and counted on a statewide basis."

13 SECTION 2. This Act shall take effect upon its approval.

