

# VETO

S.B. NO. 2898  
S.D. 1

## A BILL FOR AN ACT

**VETO OVERRIDEN**

ACT No. 62

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

Approved: [Signature]

Dated: May 1, 2008

**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.



**ARTICLE III**

**MANNER OF APPOINTING PRESIDENTIAL**

**ELECTORS IN MEMBER STATES**

1  
2  
3  
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."

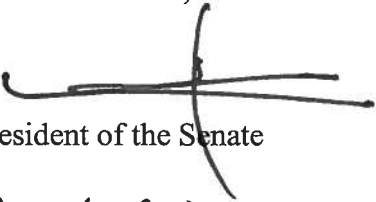
13 SECTION 2. This Act shall take effect upon its approval.



## THE SENATE OF THE STATE OF HAWAII

Date: May 1, 2008  
Honolulu, Hawaii

We hereby certify that, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Senate of the State of Hawaii, on this date reconsidered Senate Bill No. 2898, S.D. 1, heretofore vetoed as contained in a Governor's Message dated April 22, 2008, and approved said bill by an affirmative vote of two-thirds of all members to which the Senate of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2008, is entitled.



President of the Senate



Clerk of the Senate

## THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2008  
Honolulu, Hawaii

We hereby certify that, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the House of Representatives of the State of Hawaii, on this date reconsidered Senate Bill No. 2898, S.D. 1, heretofore vetoed as contained in a Governor's Message dated April 22, 2008, and approved said bill by an affirmative vote of two-thirds of all members to which the House of Representatives of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2008, is entitled.



Speaker, House of Representatives



Chief Clerk, House of Representatives