

HOUSE BILL 1122

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HB 472/09 – W&M

0lr1866

By: **Delegates O'Donnell, Bartlett, Bates, Beitzel, Dwyer, Eckardt, Elliott, Frank, George, Haddaway, Jenkins, Kach, Krebs, McComas, McConkey, Miller, Norman, Schuh, Serafini, Shank, Smigiel, Sossi, Stifler, and Stocksdale**

Introduced and read first time: February 17, 2010

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Presidential Elections – Agreement Among the States to Elect the President**
3 **by National Popular Vote – Repeal**

4 FOR the purpose of rescinding the State of Maryland's consent to enter into the
5 Agreement Among the States to Elect the President by National Popular Vote
6 and repealing the statutory provisions reciting the Agreement; repealing certain
7 provisions of law relating to the nomination of presidential electors; specifying
8 that presidential electors in the State continue to be elected at large by the
9 voters of the entire State and not in accordance with the procedure outlined in
10 the Agreement; specifying that presidential electors cast their votes for the
11 candidates for President and Vice President who received a plurality of the
12 votes cast in the State and not as defined under the Agreement; repealing a
13 certain contingency relating to the State's entry into the Agreement; and
14 generally relating to the repeal of the Agreement Among the States to Elect the
15 President by National Popular Vote.

16 BY repealing and reenacting, with amendments,

17 Article – Election Law

18 Section 8–503 through 8–505

19 Annotated Code of Maryland

20 (2003 Volume and 2009 Supplement)

21 (As enacted by Chapters 43 and 44 of the Acts of the General Assembly of 2007)

22 BY repealing

23 Article – Election Law

24 Section 8–5A–01 and the subtitle “Subtitle 5A. Agreement Among the States to
25 Elect the President by National Popular Vote”

26 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2003 Volume and 2009 Supplement)

2 BY repealing

3 Chapter 43 of the Acts of the General Assembly of 2007

4 Section 3

5 BY repealing

6 Chapter 44 of the Acts of the General Assembly of 2007

7 Section 3

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
9 MARYLAND, That the Laws of Maryland read as follows:

10 **Article – Election Law**

11 8–503.

12 (a) Each political party shall nominate or provide for the nomination of
13 candidates for presidential elector of the party in accordance with party rules.

14 (b) The number of candidates nominated by each political party shall be the
15 number that this State is entitled to elect.

16 (c) (1) The names of individuals nominated as candidates for presidential
17 elector by a political party shall be certified to the State Board by the presiding officers
18 of the political party.

19 (2) The names of individuals nominated as candidates for presidential
20 elector by a candidate for President of the United States who is nominated by petition
21 shall be certified to the State Board by the candidate on a form prescribed by the State
22 Board.

23 (3) The electors shall be certified to the State Board at least 30 days
24 before the general election.

25 [(d) If the number of presidential electors nominated is less than or greater
26 than the State's number of electoral votes, presidential electors shall be nominated as
27 provided for under Article III of § 8–5A–01 of this title.]

28 8–504.

29 (a) (1) At the general election for President and Vice President of the
30 United States there shall be elected, in accordance with subsection (b) of this section,
31 the number of presidential electors to which this State is entitled.

1 (2) Presidential electors shall be elected [under the procedure
2 provided in § 8-5A-01 of this title] **AT LARGE BY THE VOTERS OF THE ENTIRE**
3 **STATE.**

4 (b) (1) The names of the candidates for the office of presidential elector
5 may not be printed on the ballot.

6 (2) A vote for the candidates for President and Vice President of a
7 political party shall be considered to be and counted as a vote for each of the
8 presidential electors of the political party nominated in accordance with § 8-503 of
9 this subtitle.

10 8-505.

11 (a) (1) The individuals elected to the office of presidential elector shall
12 meet in the State House in the City of Annapolis on the day provided by the
13 Constitution and laws of the United States.

14 (2) The conduct of the meeting shall be consistent with the
15 requirements of federal law.

16 (b) (1) Before proceeding to perform the duties of their office, the
17 presidential electors who are present shall fill any vacancy in the office of elector,
18 whether the vacancy is caused by absence or other reason.

19 (2) An individual appointed to fill a vacancy is entitled to all rights
20 and privileges of the duly elected electors.

21 (c) After taking the oath prescribed by Article I, § 9 of the Maryland
22 Constitution before the Clerk of the Court of Appeals or, in the Clerk's absence, before
23 one of the Clerk's deputies, the presidential electors shall cast their votes for the
24 candidates for President and Vice President who received a plurality of the votes cast
25 in [the national popular vote total defined in § 8-5A-01 of this title] **THE STATE.**

26 [Subtitle 5A. Agreement Among the States to Elect
27 the President by National Popular Vote.]

28 [8-5A-01.

29 The State of Maryland hereby enters the agreement among the states to elect
30 the President by national popular vote as set forth in this section. The text of the
31 agreement is as follows:

32 Article I. Membership.

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

1 Article II. Right of the People in Member States to Vote for President and Vice
2 President.

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

5 Article III. Manner of Appointing Presidential Electors in Member States.

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

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

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

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

23 The chief election official of each member state shall treat as conclusive an
24 official statement containing the number of popular votes in a state for each
25 presidential slate made by the day established by federal law for making a state’s final
26 determination conclusive as to the counting of electoral votes by Congress.

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

31 If, for any reason, the number of presidential electors nominated in a member
32 state in association with the national popular vote winner is less than or greater than
33 that state’s number of electoral votes, the presidential candidate on the presidential
34 slate that has been designated as the national popular vote winner shall have the
35 power to nominate the presidential electors for that state and that state’s presidential
36 elector certifying official shall certify the appointment of such nominees.

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

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

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

9 **Chapter 43 of the Acts of 2007**

10 [SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act
11 may not take effect until the interstate compact entitled “Agreement Among the
12 States to Elect the President by National Popular Vote” is enacted in substantially the
13 same form by states cumulatively possessing a majority of the electoral votes and the
14 enactments of the compact have taken effect in each state; that Section 1 of this Act
15 shall only govern the appointment of presidential electors in any year in which the
16 Agreement Among the States to Elect the President by National Popular Vote is, on
17 July 20, in effect in states cumulatively possessing a majority of the electoral votes;
18 that all the states of the United States are requested to concur in this Act of the
19 General Assembly of Maryland by the enactment of a similar Act; and that the
20 Department of Legislative Services shall notify the appropriate officials of the
21 combined states of the enactment of this Act.]

22 **Chapter 44 of the Acts of 2007**

23 [SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act
24 may not take effect until the interstate compact entitled “Agreement Among the
25 States to Elect the President by National Popular Vote” is enacted in substantially the
26 same form by states cumulatively possessing a majority of the electoral votes and the
27 enactments of the compact have taken effect in each state; that Section 1 of this Act
28 shall only govern the appointment of presidential electors in any year in which the
29 Agreement Among the States to Elect the President by National Popular Vote is, on
30 July 20, in effect in states cumulatively possessing a majority of the electoral votes;
31 that all the states of the United States are requested to concur in this Act of the
32 General Assembly of Maryland by the enactment of a similar Act; and that the
33 Department of Legislative Services shall notify the appropriate officials of the
34 combined states of the enactment of this Act.]

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 2010.