

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1330

S.P. 427

In Senate, March 30, 2021

An Act To Join the National Popular Vote Compact

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator MIRAMANT of Knox.
Cosponsored by Representatives: DOUDERA of Camden, EVANGELOS of Friendship,
LOOKNER of Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 21-A MRSA §801, sub-§2**, as enacted by PL 2019, c. 539, §4, is repealed.

3 **Sec. 2. 21-A MRSA §805, sub-§2**, as amended by PL 2019, c. 539, §5, is further
4 amended to read:

5 **2. Presidential electors.** The presidential electors at large shall cast their ballots for
6 the presidential and vice-presidential candidates who ~~received the largest number of votes~~
7 ~~in the State according to the ranked-choice method of counting votes described in section~~
8 ~~723-A~~ are determined to be the national popular vote winners under section 1303. The
9 presidential electors of each congressional district shall cast their ballots for the presidential
10 and vice-presidential candidates who ~~received the largest number of votes in each~~
11 ~~respective congressional district according to the ranked-choice method of counting votes~~
12 ~~described in section 723-A~~ are determined to be the national popular vote winners under
13 section 1303.

14 **Sec. 3. 21-A MRSA c. 17** is enacted to read:

15 **CHAPTER 17**

16 **INTERSTATE COMPACT: AGREEMENT AMONG THE STATES TO ELECT**
17 **THE PRESIDENT OF THE UNITED STATES BY NATIONAL POPULAR VOTE**

18 **§1301. Membership - Article 1**

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

21 **§1302. Right of people in member states to vote for President and Vice President -**
22 **Article 2**

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

25 **§1303. Manner of appointing presidential electors in member states - Article 3**

26 Prior to the time set by law for the meeting of and voting by the presidential electors,
27 the chief election official of each member state shall determine the number of votes for
28 each presidential slate in each state of the United States and in the District of Columbia in
29 which votes have been cast in a statewide popular election and shall add such votes together
30 to produce a national popular vote total for each presidential slate.

31 The chief election official of each member state shall designate the presidential slate
32 with the largest national popular vote total as the national popular vote winner.

33 The presidential elector certifying official of each member state shall certify the
34 appointment in that official's own state of the elector slate nominated in that state in
35 association with the national popular vote winner.

36 At least 6 days before the day fixed by law for the meeting of and voting by the
37 presidential electors, each member state shall make a final determination of the number
38 popular votes cast in the state for each presidential slate and shall communicate an official

1 statement of such determination within 24 hours to the chief election official of each other
2 member state.

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

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

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

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

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

22 **§1304. Contingent effective date; withdrawal; notification; severability - Article 4**

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

26 Any member state may withdraw from this agreement, except that a withdrawal
27 occurring 6 months or less before the end of a President's term does not become effective
28 until a President or Vice President has been qualified to serve the next term.

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

33 This agreement terminates if the electoral college is abolished.

34 If any provision of this agreement is held invalid, the remaining provisions are not
35 affected.

36 **§1305. Definitions - Article 5**

37 As used in this agreement, the following terms have the following meanings.

38 **1. Chief election official.** "Chief election official" means the state official or body
39 that is authorized to certify the total number of popular votes for each presidential slate.

40 **2. Chief executive.** "Chief executive" means the governor of a state of the United
41 States or the Mayor of the District of Columbia.

1 **3. Elector slate.** "Elector slate" means a slate of candidates who have been nominated
2 in a state for the position of presidential elector in association with a presidential slate.

3 **4. Presidential elector.** "Presidential elector" means an elector for President and Vice
4 President of the United States.

5 **5. Presidential elector certifying official.** "Presidential elector certifying official"
6 means the state official or body that is authorized to certify the appointment of the state's
7 presidential electors.

8 **6. Presidential slate.** "Presidential slate" means a slate of 2 persons, the first of whom
9 has been nominated as a candidate for President of the United States and the 2nd of whom
10 has been nominated as a candidate for Vice President of the United States, or any legal
11 successors to such persons, regardless of whether both names appear on the ballot presented
12 to the voters in a particular state.

13 **7. State.** "State" means a state of the United States and the District of Columbia.

14 **8. Statewide popular election.** "Statewide popular election" means a general election
15 in which votes are cast for presidential slates by individual voters and counted on a
16 statewide basis.

17 **§1306. Conflicts**

18 All laws in a member state in conflict with this agreement are superseded to the extent
19 of the conflict.

20 **Sec. 4. Legislative intent.** The text and numbering of the Interstate Compact:
21 Agreement among the States To Elect the President of the United States by National
22 Popular Vote have been changed to conform to Maine statutory conventions. The changes
23 are technical in nature, and it is the intent of the Legislature that this Act be interpreted as
24 substantively the same as the original interstate compact.

25 **Sec. 5. Contingent effective date.** That section of this Act that amends the Maine
26 Revised Statutes, Title 21-A, section 805, subsection 2 and that section of this Act that
27 repeals Title 21-A, section 801, subsection 2 take effect upon the effective date of Title
28 21-A, chapter 17.

29 **SUMMARY**

30 This bill repeals ranked-choice voting in general elections for President of the United
31 States and instead proposes to adopt an interstate compact to elect the President of the
32 United States by national popular vote. Under the compact, the presidential candidate who
33 receives the most popular votes in all 50 states and the District of Columbia is elected
34 President. Under the compact, all of a state's electoral votes would be awarded to the
35 presidential candidate who receives the most popular votes in all 50 states and the District
36 of Columbia. The bill takes effect only if enacted by states possessing a majority of the
37 electoral votes, that is, enough electoral votes to elect a President, which is 270 of 538.