

# ASSEMBLY, No. 4225

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MAY 14, 2007

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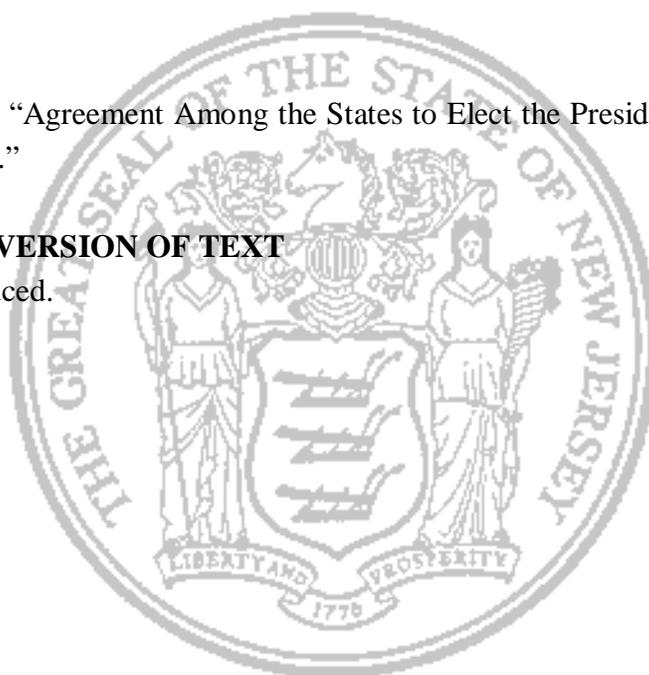
**Assemblywoman Jasey, Senators Codey, Lesniak, Turner and Buono**

**SYNOPSIS**

Enacts the “Agreement Among the States to Elect the President by National Popular Vote.”

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 1/4/2008)

1 AN ACT concerning electors for president and vice-president of the  
2 United States in New Jersey and amending various parts of the  
3 statutory law and supplementing Title 19 of the Revised Statutes.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. (New section) The State of New Jersey hereby enacts into  
9 law and enters into the “Agreement Among the States to Elect the  
10 President by National Popular Vote” as set forth in this section, and  
11 substantially as follows:

12 a. Article I—Membership

13 Any State of the United States and the District of Columbia may  
14 become a member of this agreement by enacting this agreement.

15 b. Article II—Right of the People in Member States to Vote for  
16 President and Vice President

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

19 c. Article III—Manner of Appointing Presidential Electors in  
20 Member States

21 (1) Prior to the time set by law for the meeting and voting by the  
22 presidential electors, the chief election official of each member  
23 state shall determine the number of votes for each presidential slate  
24 in each State of the United States and in the District of Columbia in  
25 which votes have been cast in a statewide popular election and shall  
26 add such votes together to produce a “national popular vote total”  
27 for each presidential slate.

28 (2) The chief election official of each member state shall  
29 designate the presidential slate with the largest national popular  
30 vote total as the “national popular vote winner.”

31 (3) The presidential elector certifying official of each member  
32 state shall certify the appointment in that official’s own state of the  
33 elector slate nominated in that state in association with the national  
34 popular vote winner.

35 (4) At least six days before the day fixed by law for the meeting  
36 and voting by the presidential electors, each member state shall  
37 make a final determination of the number of popular votes cast in  
38 the state for each presidential slate and shall communicate an  
39 official statement of such determination within 24 hours to the chief  
40 election official of each other member state.

41 (5) The chief election official of each member state shall treat as  
42 conclusive an official statement containing the number of popular  
43 votes in a state for each presidential slate made by the day  
44 established by federal law for making a state’s final determination  
45 conclusive as to the counting of electoral votes by Congress.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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

6 (7) If, for any reason, the number of presidential electors  
7 nominated in a member state in association with the national  
8 popular vote winner is less than or greater than that state's number  
9 of electoral votes, the presidential candidate on the presidential  
10 slate that has been designated as the national popular vote winner  
11 shall have the power to nominate the presidential electors for that  
12 state and that state's presidential elector certifying official shall  
13 certify the appointment of such nominees. The chief election  
14 official of each member state shall immediately release to the public  
15 all vote counts or statements of votes as they are determined or  
16 obtained.

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

21 d. Article IV—Other Provisions

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

26 (2) Any member state may withdraw from this agreement,  
27 except that a withdrawal occurring six months or less before the end  
28 of a President's term shall not become effective until a President or  
29 Vice President shall have been qualified to serve the next term.

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

35 (4) This agreement shall terminate if the electoral college is  
36 abolished.

37 (5) If any provision of this agreement is held invalid, the  
38 remaining provisions shall not be affected.

39 e. Article V—Definitions

40 For purposes of this agreement,

41 "Chief executive" means the Governor of a State of the United  
42 States or the Mayor of the District of Columbia;

43 "Elector slate" means a slate of candidates who have been  
44 nominated in a state for the position of presidential elector in  
45 association with a presidential slate;

46 "Chief election official" means the state official or body that is  
47 authorized to certify the total number of popular votes for each  
48 presidential slate;

1       “Presidential elector” means an elector for President and Vice  
2 President of the United States;

3       “Presidential elector certifying official” means the state official  
4 or body that is authorized to certify the appointment of the state’s  
5 presidential electors;

6       “Presidential slate” means a slate of two persons, the first of  
7 whom has been nominated as a candidate for President of the  
8 United States and the second of whom has been nominated as a  
9 candidate for Vice President of the United States, or any legal  
10 successors to such persons, regardless of whether both names  
11 appear on the ballot presented to the voter in a particular state;

12       “State” means a State of the United States and the District of  
13 Columbia; and

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

17

18       2. R.S.19:13-15 is amended to read as follows:

19       19:13-15. In presidential years the State committee of a political  
20 party shall meet at the call of its chairman, within 1 week following  
21 the closing of the party's national convention, for the purpose of  
22 nominating candidates for electors of President and Vice-President  
23 of the United States and shall certify such nomination in a written  
24 or printed or partly written and partly printed certificate of  
25 nomination.

26       The certificate of nomination shall contain the name of each  
27 person nominated, his residence and post-office address, the office  
28 for which he is named, and shall also contain in not more than 3  
29 words the designation of the party the nominating body represents.  
30 The names of the candidates for President and Vice-President for  
31 whom such electors are to vote may be included in the certificate.  
32 The State committee may also appoint a committee to whom shall  
33 be delegated the power to fill vacancies occurring prior to the  
34 election of the electors, howsoever caused, and the names and  
35 addresses of such committee shall be included in the certificate.

36       The certificate shall be signed by the State chairman who shall  
37 make oath before an officer authorized to administer the same that  
38 he is the State chairman of the political party and that the certificate  
39 and statements therein contained are true to the best of his  
40 knowledge and belief. A certificate that such oath has been taken  
41 shall be made and signed by the officer administering the same and  
42 indorsed upon or attached to the certificate of nomination.  
43 Inclosed upon or attached to the certificate shall be statements in  
44 writing that the persons named therein accept such nominations and  
45 the oath of allegiance prescribed in section 41:1-1 of the Revised  
46 Statutes duly taken and subscribed by each or all of them before an  
47 officer or officers authorized to take oaths in this State.

1 The certificate of nomination and the acceptance thereof shall be  
2 filed with the Secretary of State not later than 1 week after the  
3 nomination of such electors of President and Vice-President of the  
4 United States.

5 The procedure for all objections to the certificates of nomination,  
6 the determination of the validity of such objections, the correction  
7 of defective certificates, and the presentation of such certificates  
8 and any documents attached thereto, shall be the same as herein  
9 provided for direct petitions of nominations.

10 (cf: P.L.1968, c.87, s.1)

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12 3. R.S.19:22-8 is amended to read as follows:

13 19:22-8. In case of an election for electors of president and vice  
14 president of the United States[, such]:

15 a. The secretary shall prepare a general certificate of the  
16 election of such electors, and lay the same before the governor, who  
17 shall sign his name thereto, in the presence of such secretary, which  
18 the secretary shall attest by signing his name thereto, and shall  
19 thereupon affix the seal of the state thereto, and deliver the same to  
20 the president of the college of electors of this state, on the day and  
21 at the time and place appointed for the meeting of such college;

22 b. The secretary shall also prepare a general certificate or  
23 certificates, as the case may be, of the electors who were not  
24 elected, and lay the same before the governor, who shall sign his  
25 name thereto, in the presence of such secretary, which the secretary  
26 shall attest by signing his name thereto, and shall thereupon affix  
27 the seal of the state thereto, and deliver the same to the president of  
28 the college of electors of this state, on the day and at the time and  
29 place appointed for the meeting of such college;

30 c. Only one general certificate shall be certified as the elector  
31 slate for the purpose of electing the president and vice president of  
32 the United States. In any year in which, on July 20, the "Agreement  
33 Among the States to Elect the President by National Popular Vote"  
34 is in effect in states cumulatively possessing a majority of the  
35 electoral votes, and the State of New Jersey remains a member of  
36 that agreement, the elector slate for the purpose of electing the  
37 president and vice president shall be certified in accordance with  
38 section 1 of this act, P.L. , c. (C. ) (pending before the  
39 Legislature as this bill).

40 (cf: R.S.19:22-8)

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42 4. R.S.19:36-1 is amended to read as follows:

43 19:36-1. The electors of president and vice president shall  
44 convene at the state house at Trenton, on the day appointed by  
45 congress for that purpose, at the hour of three o'clock in the  
46 afternoon of that day, and constitute an electoral college. In any  
47 year in which, on July 20, the "Agreement Among the States to  
48 Elect the President by National Popular Vote" is in effect in states

1 cumulatively possessing a majority of the electoral votes, and the  
2 State of New Jersey remains a member of that agreement, the  
3 electors for president and vice president shall be those electors  
4 certified as the elector slate in accordance with section 1 of this act,  
5 P.L. , c. (C. ) (pending before the Legislature as this bill).  
6 (cf: R.S.19:36-1)

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8 5. R.S.19:36-2 is amended to read as follows:

9 19:36-2. a. When a vacancy shall happen in the college of  
10 electors, or when an elector shall fail to attend, by the hour of three  
11 o'clock in the afternoon of the day fixed by congress for the meeting  
12 of the college of electors, at the place of holding such meeting,  
13 those of such electors who shall be assembled at the hour and place  
14 shall immediately proceed to fill by a majority of votes such  
15 vacancy.

16 b. If the members of the electoral college shall have been  
17 nominated and elected as representing different political parties,  
18 any vacancy occurring shall be filled by the elector or electors  
19 representing the same political party as the absent elector; and if  
20 there shall be no elector present representing the same political  
21 party as the absent elector, then such vacancy shall be filled by a  
22 majority of the electors present, who shall choose some person of  
23 the political party which the absent elector represents.

24 c. Notwithstanding the provisions of subsections a. and b. of  
25 this section, in any year in which, on July 20, the “Agreement  
26 Among the States to Elect the President by National Popular Vote”  
27 is in effect in states cumulatively possessing a majority of the  
28 electoral votes, and the State of New Jersey remains a member of  
29 that agreement, any vacancy in the college of electors shall be filled  
30 in accordance with the provisions of section 1 of this act, P.L. ,  
31 c. (C. ) (pending before the Legislature as this bill).  
32 (cf: R.S.19:36-2)

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34 6. R.S.19:36-3 is amended to read as follows:

35 19:36-3. After choosing a president and secretary from their  
36 own body, such electors shall proceed to perform the duties  
37 required of them by the constitution and laws of the United States,  
38 and in accordance with the provisions of section 1 of this act,  
39 P.L. , c. (C. ) (pending before the Legislature as this bill) in  
40 any year in which, on July 20, the “Agreement Among the States to  
41 Elect the President by National Popular Vote” is in effect in states  
42 cumulatively possessing a majority of the electoral votes, and the  
43 State of New Jersey remains a member of that agreement.  
44 (cf: R.S.19:36-3)

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46 7. This act shall take effect immediately.

STATEMENT

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This bill enacts into law the “Agreement Among the States to Elect the President by National Popular Vote,” and conforms various New Jersey statutes to the provisions of the agreement.

The agreement, section 1 of this bill, is enacted as an interstate compact and requires that the electors for president and vice president of the United States in each member state cast their electoral votes for the presidential slate that won the popular vote nationwide. Therefore, this agreement changes the current operation of the electoral college in New Jersey, where electoral votes are allocated in the winner-take-all manner to the presidential slate that won the most votes in the State, regardless of whether that presidential slate won the popular vote nationwide. Under the agreement, the New Jersey electors associated with the presidential slate that won the most popular votes nationwide will be certified as the elector slate for the purpose of casting the State’s electoral votes.

The agreement would become effective only when it has been enacted by enough states to collectively possess the majority of the electoral votes required to decide a presidential win – currently 270 of the 538 electoral votes.

By enacting this agreement, New Jersey would join efforts in other States to reform the current system of electing the president and vice president of the United States, as supported by approximately 70% of all Americans. This agreement ensures that all states are competitive in presidential elections, makes all votes important and equal, and guarantees that the candidate who received the most popular votes nationwide wins the presidency.