

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE
Revised

House Bill 148

(Delegate Hixson, *et al.*)

Ways and Means

Education, Health, and Environmental Affairs

Presidential Elections - Agreement Among the States to Elect the President by
National Popular Vote

This bill establishes Maryland as a member of the “Agreement Among the States to Elect the President by National Popular Vote,” (agreement) in which Maryland would commit its presidential electors to the national popular vote winner in a presidential election.

The State’s commitment to the agreement takes effect when the agreement is enacted in substantially the same form by states cumulatively possessing a majority of the electoral votes and the enactments of the agreement have taken effect in each of those states.

Fiscal Summary

State Effect: Any computer programming, web site, or documentation changes needed in the event the agreement takes effect could be handled with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill requires that presidential electors be elected in accordance with the agreement (summarized below) and that presidential electors cast their votes for the candidates for Vice President and President who receive a plurality of the votes cast in the national popular vote total defined in the agreement.

- At least six days before the meeting and voting of presidential electors, each member state must make a final determination of the number of popular votes cast for each presidential slate and communicate an official statement of that determination to the chief election official of each other member state within 24 hours;
- the chief election official of each member state must total the final vote determinations of each state and the District of Columbia and make a determination of the national popular vote winner;
- the presidential elector certifying official of each member state must certify the appointment of the presidential electors in that state nominated in association with the national popular vote winner;
- in the event of a tie for the national popular vote winner, the presidential elector certifying official of each member state must certify the appointment of the presidential elector nominated in association with the presidential slate receiving the largest number of popular votes within that state;
- the agreement takes effect when states cumulatively possessing a majority of the electoral votes have enacted the agreement and the enactments have taken effect in each state;
- the agreement governs the appointment of presidential electors in each member state in any year in which the agreement is, on July 20, in effect in states cumulatively possessing a majority of the electoral votes; and
- a member state may withdraw from the agreement, except a withdrawal occurring six months or less before the end of a President's term would not be effective until a President or Vice President is qualified to serve the next term.

All states are requested to concur in the enactment of the bill by the enactment of similar legislation.

The Department of Legislative Services must notify the appropriate officials of the combined states of the enactment of the bill.

Current Law: Prior to a presidential general election, each political party and candidate nominated by petition must nominate candidates for presidential elector of the party or

candidate and certify the names of the presidential elector candidates to the State Board of Elections. The number of presidential elector candidates nominated must be the number Maryland is entitled to elect (equal to the combined number of U.S. Senators and Representatives).

The names of the candidates for presidential elector may not be printed on the ballot, though a vote for the candidates for President and Vice President of a political party is considered to be and counted as a vote for each of the presidential electors nominated by the party.

Federal law requires the presidential electors of each state to meet and give their votes on the first Monday after the second Wednesday in December following their appointment. Under State law, the presidential electors meet in the State House and must cast their votes for the candidates for President and Vice President who received a plurality of the votes cast in the State.

Background: The effort to enact the agreement nationwide was begun in 2006, aimed at changing aspects of the current system of electing the President, including the concentration of campaigning in a minority of closely divided states and the ability of a candidate to win the presidency without winning the national popular vote.

According to National Popular Vote Inc., a nonprofit organization that began the nationwide popular vote agreement proposal, the agreement has passed one house in Colorado, and has either been introduced or bills are being drafted in 44 other states in 2007. In 2006, the agreement was passed by the California legislature, but vetoed by the Governor. The agreement was also passed by the Colorado Senate in 2006, received a significant amount of support in the Illinois legislature, and gained committee approval in Louisiana.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery and Caroline counties, State Board of Elections, Baltimore City, Department of Legislative Services

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Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510