

August 20, 2007

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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Ms. Patricia Galvan
Initiative Coordinator
Attorney General's Office
1300 I Street
Sacramento, CA 95814

Re: The National Popular Vote for President Act—Version 1

Dear Ms. Galvan:

Pursuant to California Elections Code section 9002, I respectfully request that the Attorney General prepare a title and summary for the attached measure. The text of the measure, a check for \$200.00 and the address at which I am registered to vote are enclosed.

Also attached is the acknowledgment of the proponent required by section 9608 of the California Elections Code.

Please direct all correspondence and inquiries regarding this measure to my attorney:

Barry Fadem
Fadem & Associates
3527 Mt. Diablo Blvd., #192
Lafayette, CA 94549

Sincerely,

Tom Steyer

Enclosures

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

THE NATIONAL POPULAR VOTE FOR PRESIDENT ACT

SECTION 1. Title.

This Act shall be known and may be cited as the "National Popular Vote for President Act."

SECTION 2. Findings and Declaration of Purposes.

(a) In electing the President of the United States, the candidate who receives the most votes in all 50 states and the District of Columbia should be elected.

(b) The method for electing the President should not be changed by an individual state acting alone. A change should only be made by states acting together.

(c) Under this Act, California enters into and enacts an agreement with other states called the "Agreement Among the States to Elect the President by National Popular Vote" which would guarantee that the presidential candidate receiving the most votes in all 50 states and the District of Columbia would win the Presidency.

(d) This Act is intended to maintain California's long-standing winner-take-all system for the appointment of presidential electors until such time that the nation changes to a national popular vote as provided in the "Agreement Among the States to Elect the President by National Popular Vote."

(e) This Act eliminates the compensation and travel reimbursement for presidential electors. It is an honor for any voter to serve as a presidential elector and no financial payments are necessary.

(f) This Act is intended to be a comprehensive regulatory scheme concerning the appointment of presidential electors. Therefore, this measure is intended to conflict with any other measure on the same ballot that proposes a different manner of appointing presidential electors.

SECTION 3. Chapter 1.5 (commencing with Section 6920) is added to Part 2 of Division 6 of the Elections Code, to read:

CHAPTER 1.5. VOTING COMPACT

Sec. 6920 The people of the State of California hereby enact and enter into the Agreement Among the States to Elect the President by National Popular Vote as set forth in Section 6921.

Sec. 6921 The provisions of the Agreement Among the States to Elect the President by National Popular Vote are as follows:

Article 1. Membership

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

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

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

Article 3. Manner of Appointing Presidential Electors in Member States

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

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

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

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

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

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

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

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

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

Article 4. Other Provisions

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

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

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

This agreement shall terminate if the electoral college is abolished.

If any provision of this agreement is held invalid, the remaining provisions shall not be affected.

Article 5. Definitions

For purposes of this agreement,

"chief election official" shall mean the state official or body that is authorized to certify the total number of popular votes for each presidential slate;

"chief executive" shall mean the Governor of a State of the United States or the Mayor of the District of Columbia;

"elector slate" shall mean a slate of candidates who have been nominated in a state for the position of presidential elector in association with a presidential slate;

"presidential elector" shall mean an elector for President and Vice President of the United States;

"presidential elector certifying official" shall mean the state official or body that is authorized to certify the appointment of the state's presidential electors;

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

"state" shall mean a State of the United States and the District of Columbia; and

"statewide popular election" shall mean a general election in which votes are cast for presidential slates by individual voters and counted on a statewide basis.

Sec. 6922 Notwithstanding any other provision of law, the appointment of presidential electors shall be conducted in accordance with the provisions of the Agreement Among the States to Elect the President by National Popular Vote as set forth in Section 6921 in any year in which the Agreement governs the appointment of presidential electors pursuant to clause 9 of Article 3 of that Agreement.

SECTION 4. Section 6902 of the Elections Code is amended to read:

Sec. 6902 (a) At the general election in each leap year, or at any other time as may be prescribed by the laws of the United States, there shall be chosen by the voters of the state as many electors of President and Vice President of the United States as the state is then entitled to.

(b) Except as provided in subdivision (c), a person nominated to be elector shall be appointed if the candidate to whom that person has pledged to vote receives the highest number of popular votes cast in the state.

(c) In those years in which the Agreement Among the States to Elect the President by National Popular Vote as set forth in Section 6921 governs the appointment of electors pursuant to Section 6922, the appointment of electors shall be conducted in accordance with the provisions of Section 6921.

SECTION 5. Section 6909 of the Elections Code is repealed.

~~Sec. 6909 Each presidential elector shall receive ten dollars (\$10) for his or her services, and mileage at the rate of five cents (\$0.05) per mile for each mile of travel from his or her domicile to the State Capitol and return. Their accounts therefor shall be certified by the Secretary of State, and audited by the Controller, who shall draw his or her warrants for the same on the Treasurer, payable out of the General Fund.~~

SECTION 6. Section 15505 of the Elections Code is amended to read:

Sec. 15505 (a) Except as provided in subdivision (b), On the first Monday in the month following the election, or as soon as the results have been received from all the counties in the state, if received before that time, the Secretary of State shall analyze the votes given for presidential electors, and certify to the Governor the names of the proper number of persons having who received the highest number of popular votes cast in the state.

(b) In those years in which the Agreement Among the States to Elect the President by National Popular Vote as set forth in Section 6921 governs the appointment of presidential electors pursuant to Section 6922, the Secretary of State shall analyze the votes given for presidential electors, and certify to the Governor the names of the proper number of persons who are appointed presidential electors in accordance with the provisions of Section 6921.

(c) After performing the duties described in subdivision (a) or (b) above, The Secretary of State shall thereupon issue and transmit to each presidential elector a certificate of election. The certificate shall be accompanied by a notice of the time and place of the meeting of the presidential electors, and a statement that each presidential elector will be entitled to a per diem allowance and mileage in the amounts specified.

SECTION 7. Conflicting Measures.

This measure is intended to be a comprehensive regulatory scheme concerning the appointment of presidential electors. Therefore, in the event that this measure and another initiative measure or measures concerning the appointment of presidential electors shall appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes than such conflicting initiative measure or measures, the provisions of this measure shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void.

SECTION 8. Severability.

If any provision of this Act, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Act are severable.

Final