April 22, 2008

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith SB2898 SD1, without my approval, and with the statement of objections relating to the measure.

SB2898 SD1 A BILL FOR AN ACT RELATING TO THE AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE.

Sincerely,

LINDA LINGLE
EXECUTIVE CHAMBERS
HONOLULU
April 22, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2898

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2898, entitled "A Bill for an Act Relating to the Agreement Among the States to Elect the President by National Popular Vote."

The purpose of this bill is to add a new chapter to the Hawaii Revised Statutes that will cause Hawaii to join an interstate compact or agreement among the member states to award their electoral votes to the national popular vote winner for the office of the President of the United States regardless of the popular vote winner in each member state.

Under this bill, Hawaii's four electoral votes would be awarded to the presidential slate that receives the most votes as determined by the national popular vote regardless of which candidate won the popular vote in Hawaii. Had this compact been in effect since statehood, in four elections Hawaii's electoral votes would have gone to a candidate whom the majority of voters in Hawaii did not want—Richard Nixon rather than Hubert Humphrey in 1968, Ronald Reagan rather than Jimmy Carter in 1980; George Bush rather than Michael Dukakis in 1988, and George W. Bush rather than John Kerry in 2004.

Given the potential under the interstate compact that Hawaii's electoral votes would be awarded in a manner that does not reflect the will of the majority of the voters in Hawaii,
this bill would disenfranchise Hawaii's voters and is not in the best interest of the citizens of the State of Hawaii.

For the foregoing reason, I am returning Senate Bill No. 2898 without my approval.

Respectfully,

LINDA LINGLE
Governor of Hawaii
A BILL FOR AN ACT

RELATING TO THE AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER

AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE

ARTICLE I

MEMBERSHIP

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

ARTICLE II

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 III

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 twenty-four 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 IV

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 V

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."

SECTION 2. This Act shall take effect upon its approval.