

ASSEMBLY, No. 2641

STATE OF NEW JERSEY

213th LEGISLATURE

INTRODUCED MAY 12, 2008

Sponsored by:

Assemblyman RICHARD A. MERKT

District 25 (Morris)

Assemblyman MICHAEL PATRICK CARROLL

District 25 (Morris)

Co-Sponsored by:

Assemblywoman McHose and Assemblyman Chiusano

SYNOPSIS

Repeals the "Agreement Among the States to Elect the President by National Popular Vote."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/6/2009)

A2641 MERKT, CARROLL

2

1 AN ACT concerning electors for president and vice-president in
2 New Jersey, amending various part of the statutory law, and
3 repealing section 1 of P.L.2007, c.334 (C.19:36-4).

4

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

7

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

9 19:22-8. In case of an election for electors of president and vice
10 president of the United States:

11 a. The secretary shall prepare a general certificate of the
12 election of such electors, and lay the same before the Governor,
13 who shall sign his name thereto, in the presence of such secretary,
14 which the secretary shall attest by signing his name thereto, and
15 shall thereupon affix the seal of the State thereto, and deliver the
16 same to the president of the college of electors of this State, on the
17 day and at the time and place appointed for the meeting of such
18 college[;].

19 b. **[The secretary shall also prepare a general certificate or**
20 **certificates, as the case may be, of the electors who were not**
21 **elected, and lay the same before the Governor, who shall sign his**
22 **name thereto, in the presence of such secretary, which the secretary**
23 **shall attest by signing his name thereto, and shall thereupon affix**
24 **the seal of the State thereto, and deliver the same to the president of**
25 **the college of electors of this State, on the day and at the time and**
26 **place appointed for the meeting of such college;]** Deleted by
27 amendment, P.L. , c. (pending before the Legislature as this bill).

28 c. **[Only one general certificate shall be certified as the elector**
29 **slate for the purpose of electing the president and vice president of**
30 **the United States. In any year in which, on July 20, the "Agreement**
31 **Among the States to Elect the President by National Popular Vote"**
32 **is in effect in states cumulatively possessing a majority of the**
33 **electoral votes, and the State of New Jersey remains a member of**
34 **that agreement, the elector slate for the purpose of electing the**
35 **president and vice president shall be certified in accordance with**
36 **section 1 of this act, P.L.2007, c.334 (C.19:36-4)]** Deleted by
37 amendment, P.L. , c. (pending before the Legislature as this bill).
38 (cf: P.L.2007, c.334, s.3)

39

40 2. R.S.19:36-1 is amended to read as follows:

41 19:36-1. The electors of president and vice president shall
42 convene at the State House at Trenton, on the day appointed by
43 congress for that purpose, at the hour of three o'clock in the
44 afternoon of that day, and constitute an electoral college. **[In any**
45 **year in which, on July 20, the "Agreement Among the States to**

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 Elect the President by National Popular Vote" is in effect in states
2 cumulatively possessing a majority of the electoral votes, and the
3 State of New Jersey remains a member of that agreement, the
4 electors for president and vice president shall be those electors
5 certified as the elector slate in accordance with section 1 of this act,
6 P.L.2007, c.334 (C.19:36-4).]
7 (cf: P.L.2007, c.334, s.4)

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

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

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

25 c. 【Notwithstanding the provisions of subsections a. and b. of
26 this section, in any year in which, on July 20, the "Agreement
27 Among the States to Elect the President by National Popular Vote"
28 is in effect in states cumulatively possessing a majority of the
29 electoral votes, and the State of New Jersey remains a member of
30 that agreement, any vacancy in the college of electors shall be filled
31 in accordance with the provisions of section 1 of this act, P.L.2007,
32 c.334 (C.19:36-4)】 Deleted by amendment, P.L. , c. (pending
33 before the Legislature as this bill).
34 (cf: P.L.2007, c.334, s.5)

35
36 4. R.S.19:36-3 is amended to read as follows:

37 19:36-3. After choosing a president and secretary from their
38 own body, such electors shall proceed to perform the duties
39 required of them by the constitution and laws of the United States[,
40 and in accordance with the provisions of section 1 of this act,
41 P.L.2007, c.334 (C.19:36-4) in any year in which, on July 20, the
42 "Agreement Among the States to Elect the President by National
43 Popular Vote" is in effect in states cumulatively possessing a
44 majority of the electoral votes, and the State of New Jersey remains
45 a member of that agreement].
46 (cf: P.L.2007, c.334, s.6)

1 5. Section 1 of P.L.2007, c.334 (C.19:36-4) is repealed.

2

3 6. This act shall take effect immediately.

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STATEMENT

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8 This bill repeals the "Agreement Among the States to Elect the
9 President by National Popular Vote," adopted as part of the New
10 Jersey statutes pursuant to P.L.2007, c.334, and amends various
11 parts of the statutory law to remove any reference to the agreement.

12 Pursuant to the agreement, when enough states collectively
13 possessing the majority of the electoral votes required to decide a
14 presidential race become parties to the agreement, New Jersey's
15 electoral votes will be required to be allocated to the presidential
16 candidate that won the popular vote nationwide, regardless of
17 whether that candidate won in New Jersey.

18 This manner of allocating electoral votes is a radical departure
19 from the current system in New Jersey which, in the winner-take-all
20 manner, the State's electoral votes are allocated to the candidate
21 that won the popular vote in the State. By requiring that the State's
22 electoral votes be allocated to the national popular vote winner
23 instead of the candidate who won in New Jersey, the national
24 popular vote agreement disenfranchises New Jersey voters and
25 arguably amounts to the circumvention of the United States
26 Constitution.