



General Assembly

January Session, 2017

**Committee Bill No. 5434**

LCO No. 5022

\* \_\_\_\_\_HBO5434GAE\_\_\_032817\_\_\_\_\_\*

Referred to Committee on GOVERNMENT ADMINISTRATION  
AND ELECTIONS

Introduced by:  
(GAE)

***AN ACT ADOPTING THE INTERSTATE COMPACT TO ELECT THE  
PRESIDENT OF THE UNITED STATES BY NATIONAL POPULAR  
VOTE.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) The Agreement Among the  
2 States to Elect the President by National Popular Vote is hereby  
3 enacted into law and entered into by this state with all states legally  
4 joining therein in the form substantially as follows:

5 ARTICLE I. Membership

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

8 ARTICLE II. Right of the People in Member States to Vote for  
9 President and Vice President

10 Each member state shall conduct a state-wide popular election for  
11 President and Vice President of the United States.

12     ARTICLE III. Manner of Appointing Presidential Electors in  
13     Member States

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

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

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

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

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

39     In event of a tie for the national popular vote winner, the  
40     presidential elector certifying official of each member state shall certify  
41     the appointment of the elector slate nominated in association with the  
42     presidential slate receiving the largest number of popular votes within

43 that official's own state.

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

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

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

59 **ARTICLE IV. Other Provisions**

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

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

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

73 This agreement shall terminate if the electoral college is abolished.

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

76 ARTICLE V. Definitions

77 For purposes of this agreement:

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

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

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

86 "Presidential elector" shall mean an elector for President and Vice  
87 President of the United States;

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

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

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

99 "State-wide popular election" shall mean a general election in which

100 votes are cast for presidential slates by individual voters and counted  
101 on a state-wide basis.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

**GAE**      *Joint Favorable*