



General Assembly

February Session, 2018

Raised Bill No. 5421

LCO No. 1020



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*