CHAPTER 17

ELECTION OF THE PRESIDENT OF THE UNITED STATES BY POPULAR VOTE

SUBCHAPTER 1

INTERSTATE COMPACT: AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT OF THE UNITED STATES BY NATIONAL POPULAR VOTE

§1301. Short title

This subchapter may be known and cited as "the National Popular Vote for President Act." [PL 2023, c. 628, §9 (NEW).]

SECTION HISTORY

PL 2023, c. 628, §9 (NEW).

§1302. Membership - Article 1

Any state of the United States and the District of Columbia may become a member of this agreement by enacting this agreement. [PL 2023, c. 628, §9 (NEW).]

SECTION HISTORY

PL 2023, c. 628, §9 (NEW).

§1303. Right of people in member states to vote for President and Vice President - Article 2

Each member state shall conduct a statewide popular election for President and Vice President of the United States. [PL 2023, c. 628, §9 (NEW).]

SECTION HISTORY

PL 2023, c. 628, §9 (NEW).

§1304. Manner of appointing presidential electors in member states - Article 3

Prior to the time set by law for the meeting of 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. [PL 2023, c. 628, §9 (NEW).]

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. [PL 2023, c. 628, §9 (NEW).]

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. [PL 2023, c. 628, §9 (NEW).]

At least 6 days before the day fixed by law for the meeting of 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. [PL 2023, c. 628, §9 (NEW).]

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. [PL 2023, c. 628, §9 (NEW).]

In the 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. [PL 2023, c. 628, §9 (NEW).]

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 may nominate the presidential electors for that state and that state's presidential elector certifying official shall certify the appointment of such nominees. [PL 2023, c. 628, §9 (NEW).]

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. [PL 2023, c. 628, §9 (NEW).]

This article governs the appointment of presidential electors in each member state in any year in which this agreement is, on July 20th, in effect in states cumulatively possessing a majority of the electoral votes. [PL 2023, c. 628, §9 (NEW).]

SECTION HISTORY

PL 2023, c. 628, §9 (NEW).

§1305. Contingent effective date; withdrawal; notification; severability - Article 4

This agreement takes 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. [PL 2023, c. 628, §9 (NEW).]

Any member state may withdraw from this agreement, except that a withdrawal occurring 6 months or less before the end of a President's term does not become effective until a President or Vice President has been qualified to serve the next term. [PL 2023, c. 628, §9 (NEW).]

The chief executive of each member state shall promptly notify the chief executive of all other states 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. [PL 2023, c. 628, §9 (NEW).]

This agreement terminates if the electoral college is abolished. [PL 2023, c. 628, §9 (NEW).]

If any provision of this agreement is held invalid, the remaining provisions are not affected. [PL 2023, c. 628, §9 (NEW).]

SECTION HISTORY

PL 2023, c. 628, §9 (NEW).

§1306. Definitions - Article 5

As used in this agreement, the following terms have the following meanings. [PL 2023, c. 628, §9 (NEW).]

1. Chief election official. "Chief election official" means the state official or body that is authorized to certify the total number of popular votes for each presidential slate.
[PL 2023, c. 628, §9 (NEW).]

2. Chief executive. "Chief executive" means the governor of a state of the United States or the Mayor of the District of Columbia.
[PL 2023, c. 628, §9 (NEW).]

3. Elector slate. "Elector slate" means a slate of candidates who have been nominated in a state for the position of presidential elector in association with a presidential slate.
[PL 2023, c. 628, §9 (NEW).]

4. Presidential elector. "Presidential elector" means an elector for President and Vice President of the United States.
[PL 2023, c. 628, §9 (NEW).]

5. Presidential elector certifying official. "Presidential elector certifying official" means the state official or body that is authorized to certify the appointment of the state's presidential electors.
[PL 2023, c. 628, §9 (NEW).]

6. Presidential slate. "Presidential slate" means a slate of 2 persons, the first of whom has been nominated as a candidate for President of the United States and the 2nd 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 voters in a particular state.
[PL 2023, c. 628, §9 (NEW).]

7. State. "State" means a state of the United States and the District of Columbia.
[PL 2023, c. 628, §9 (NEW).]

8. Statewide popular election. "Statewide popular election" means a general election in which votes are cast for presidential slates by individual voters and counted on a statewide basis.
[PL 2023, c. 628, §9 (NEW).]

SECTION HISTORY

PL 2023, c. 628, §9 (NEW).

§1307. Conflicts

All laws in a member state in conflict with this agreement are superseded to the extent of the conflict. [PL 2023, c. 628, §9 (NEW).]

SECTION HISTORY

PL 2023, c. 628, §9 (NEW).

SUBCHAPTER 2

PROVISIONS REGARDING THE NATIONAL POPULAR VOTE FOR PRESIDENT ACT

§1310. Duty of Secretary of State to provide notice of effect and discontinuation of National Popular Vote for President Act

Upon receipt of notice that the states participating in the interstate compact to elect the President of the United States described in subchapter 1 hold a majority of the total electoral votes, the Secretary of State immediately shall inform the Governor, the President of the Senate, the Speaker of the House of Representatives, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes that the National Popular Vote for President Act governs the appointment of presidential electors. [PL 2023, c. 628, §9 (NEW).]

If the Secretary of State is subsequently notified or learns that the National Popular Vote for President Act does not govern the appointment of presidential electors due to the number of electoral votes held by the states participating in the interstate compact to elect the President of the United States being less than a majority of the total electoral votes, the Secretary of State shall immediately inform the Governor, the President of the Senate, the Speaker of the House of Representatives, the Secretary

of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes of that fact. [PL 2023, c. 628, §9 (NEW).]

SECTION HISTORY

PL 2023, c. 628, §9 (NEW).

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