

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 442

BY BOE

AN ACT

1 RELATING TO AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL  
2 POPULAR VOTE; AMENDING SECTION 34-1501, IDAHO CODE, TO PROVIDE FOR  
3 CERTAIN DUTIES OF THE SECRETARY OF STATE AFTER THE EFFECTIVE DATE OF  
4 THE AGREEMENT; AMENDING TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW  
5 CHAPTER 16, TITLE 34, IDAHO CODE, TO PROVIDE FOR THE AGREEMENT AMONG THE  
6 STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE; AND PROVIDING  
7 LEGISLATIVE INTENT.  
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Section 34-1501, Idaho Code, be, and the same is hereby  
11 amended to read as follows:

12 34-1501. CERTIFICATES OF ELECTION. (1) The secretary of state shall  
13 prepare lists of the names of the electors of president and vice-president  
14 of the United States, elected at any election, procure thereto the signature  
15 of the governor, affix the seal of the state to the same, and deliver one (1)  
16 of such certificates thus signed to each of said electors on or before the  
17 second Wednesday in December next after such election.

18 (2) When the agreement among the states to elect the president by  
19 national popular vote, chapter 16, title 34, Idaho Code, governs the  
20 appointment of presidential electors in a particular year, the secretary  
21 of state shall prepare lists of the names of the electors of president and  
22 vice-president of the United States as provided for in that agreement,  
23 procure thereto the signature of the governor, affix the seal of the state  
24 to the same, and deliver one (1) of such certificates thus signed to each of  
25 said electors on or before the second Wednesday in December next after such  
26 election.

27 SECTION 2. That Title 34, Idaho Code, be, and the same is hereby amended  
28 by the addition thereto of a NEW CHAPTER, to be known and designated as  
29 Chapter 16, Title 34, Idaho Code, and to read as follows:

30 CHAPTER 16

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

32 34-1601. AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL  
33 POPULAR VOTE. The agreement among the states to elect the president by  
34 national popular vote is hereby enacted into law and entered into by this  
35 state with all states legally joining therein and in the form substantially  
36 as follows:

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

2 ARTICLE I  
3 MEMBERSHIP

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

6 ARTICLE II  
7 RIGHT OF THE PEOPLE IN MEMBER STATES TO VOTE FOR PRESIDENT  
8 AND VICE-PRESIDENT

9 Each member state shall conduct a statewide popular election for  
10 president and vice-president of the United States.

11 ARTICLE III  
12 MANNER OF APPOINTING PRESIDENTIAL ELECTORS IN MEMBER STATES

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

19 (2) The chief election official of each member state shall designate  
20 the presidential slate with the largest national popular vote total as the  
21 "national popular vote winner."

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

26 (4) At least six (6) days before the day fixed by law for the meeting  
27 and voting by the presidential electors, each member state shall make a  
28 final determination of the number of popular votes cast in the state for  
29 each presidential slate and shall communicate an official statement of such  
30 determination within twenty-four (24) hours to the chief election official  
31 of each other member state.

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

37 (6) In event of a tie for the national popular vote winner, the  
38 presidential elector certifying official of each member state shall certify  
39 the appointment of the elector slate nominated in association with the  
40 presidential slate receiving the largest number of popular votes within that  
41 official's own state.

42 (7) If, for any reason, the number of presidential electors nominated  
43 in a member state in association with the national popular vote winner  
44 is less than or greater than that state's number of electoral votes, the

1 presidential candidate on the presidential slate that has been designated  
 2 as the national popular vote winner shall have the power to nominate the  
 3 presidential electors for that state and that state's presidential elector  
 4 certifying official shall certify the appointment of such nominees.

5 (8) The chief election official of each member state shall immediately  
 6 release to the public all vote counts or statements of votes as they are  
 7 determined or obtained.

8 (9) This article shall govern the appointment of presidential electors  
 9 in each member state in any year in which this agreement is, on July 20, in  
 10 effect in states cumulatively possessing a majority of the electoral votes.

11 ARTICLE IV  
 12 OTHER PROVISIONS

13 (1) This agreement shall take effect when states cumulatively  
 14 possessing a majority of the electoral votes have enacted this agreement  
 15 in substantially the same form and the enactments by such states have taken  
 16 effect in each state.

17 (2) Any member state may withdraw from this agreement, except that a  
 18 withdrawal occurring six (6) months or less before the end of a president's  
 19 term shall not become effective until a president or vice-president shall  
 20 have been qualified to serve the next term.

21 (3) The chief executive of each member state shall promptly notify the  
 22 chief executive of all other states of when this agreement has been enacted  
 23 and has taken effect in that official's state, when the state has withdrawn  
 24 from this agreement, and when this agreement takes effect generally.

25 (4) This agreement shall terminate if the electoral college is  
 26 abolished.

27 ARTICLE V  
 28 DEFINITIONS

29 For purposes of this agreement:

30 (1) "Chief election official" means the state official or body  
 31 that is authorized to certify the total number of popular votes for each  
 32 presidential slate. In Idaho the chief election official is the secretary  
 33 of state.

34 (2) "Chief executive" means the governor of a state of the United States  
 35 or the mayor of the District of Columbia.

36 (3) "Elector slate" means a slate of candidates who have been nominated  
 37 in a state for the position of presidential elector in association with a  
 38 presidential slate.

39 (4) "Presidential elector" means an elector for president and  
 40 vice-president of the United States.

41 (5) "Presidential elector certifying official" means the state  
 42 official or body that is authorized to certify the appointment of the state's  
 43 presidential electors.

44 (6) "Presidential slate" means a slate of two (2) persons, the first  
 45 of whom has been nominated as a candidate for president of the United States  
 46 and the second of whom has been nominated as a candidate for vice-president

1 of the United States, or any legal successors to such persons, regardless  
2 of whether both names appear on the ballot presented to the voter in a  
3 particular state.

4 (7) "State" means a state of the United States and the District of  
5 Columbia.

6 (8) "Statewide popular election" means a general election in which  
7 votes are cast for presidential slates by individual voters and counted on a  
8 statewide basis.

9 SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature that  
10 any provision of Title 34, Idaho Code, that is in conflict with this act after  
11 the effective date of this act shall be void.