

IN THE SENATE

SENATE BILL NO. 1191

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO AN 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 AND VICE-PRESIDENT BY NATIONAL POPULAR
7 VOTE; AND PROVIDING 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 na-
19 tional popular vote, chapter 16, title 34, Idaho Code, governs the appoint-
20 ment of presidential electors in a particular year, the secretary of state
21 shall prepare lists of the names of the electors of president and vice-presi-
22 dent of the United States as provided for in that agreement, procure thereto
23 the signature of the governor, affix the seal of the state to the same, and
24 deliver one (1) of such certificates thus signed to each of said electors on
25 or before the second Wednesday in December next after such election.

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

29 CHAPTER 16

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

31 34-1601. AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL
32 POPULAR VOTE. The agreement among the states to elect the president by na-
33 tional popular vote is hereby enacted into law and entered into by this state
34 with all states legally joining therein and in the form substantially as fol-
35 lows:

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

3 ARTICLE I
4 MEMBERSHIP

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

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

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

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

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

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

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

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

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

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

43 (7) If, for any reason, the number of presidential electors nominated
44 in a member state in association with the national popular vote winner is

1 less than or greater than that state's number of electoral votes, the pres-
 2 idential candidate on the presidential slate that has been designated as the
 3 national popular vote winner shall have the power to nominate the presiden-
 4 tial electors for that state and that state's presidential elector certify-
 5 ing official shall certify the appointment of such nominees.

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

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

12 ARTICLE IV
 13 OTHER PROVISIONS

14 (1) This agreement shall take effect when states cumulatively possess-
 15 ing a majority of the electoral votes have enacted this agreement in substan-
 16 tially the same form and the enactments by such states have taken effect in
 17 each state.

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

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

26 (4) This agreement shall terminate if the electoral college is abol-
 27 ished.

28 (5) If any provision of this agreement is held invalid, the remaining
 29 provisions shall not be affected.

30 ARTICLE V
 31 DEFINITIONS

32 For purposes of this agreement:

33 (1) "Chief election official" shall mean the state official or body
 34 that is authorized to certify the total number of popular votes for each
 35 presidential slate.

36 (2) "Chief executive" shall mean the governor of a state of the United
 37 States or the mayor of the District of Columbia.

38 (3) "Elector slate" shall mean a slate of candidates who have been nomi-
 39 nated in a state for the position of presidential elector in association with
 40 a presidential slate.

41 (4) "Presidential elector" shall mean an elector for president and
 42 vice-president of the United States.

43 (5) "Presidential elector certifying official" shall mean the state
 44 official or body that is authorized to certify the appointment of the state's
 45 presidential electors.

1 (6) "Presidential slate" shall mean a slate of two (2) persons,
2 the first of whom has been nominated as a candidate for president of the
3 United States and the second of whom has been nominated as a candidate for
4 vice-president of the United States, or any legal successors to such per-
5 sons, regardless of whether both names appear on the ballot presented to the
6 voter in a particular state.

7 (7) "State" shall mean a state of the United States and the District of
8 Columbia.

9 (8) "Statewide popular election" shall mean a general election in which
10 votes are cast for presidential slates by individual voters and counted on a
11 statewide basis.

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