SECOND REGULAR SESSION

HOUSE BILL NO. 1921

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CARPENTER.

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 128, RSMo, by adding thereto one new section relating to the Agreement Among the States to Elect the President by National Popular Vote Act.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 128, RSMo, is amended by adding thereto one new section, to be 2 known as section 128.005, to read as follows:

	128.005. 1. This section shall be known and may be cited as the "Interstate
2	Compact on the Agreement Among the States to Elect the President by National Popular
3	Vote Act".
4	2. The State of Missouri ratifies and approves the following compact:
5	Agreement Among the States to Elect the
6	President by National Popular Vote
7	Article I-Membership
8	Any State of the United States and the District of Columbia may become a member
9	of this agreement by enacting this agreement.
10	Article II-Right of the People in Member States
11	to Vote for President and Vice President
12	Each member state shall conduct a statewide popular election for President and
13	Vice President of the United States.
14	Article III-Manner of Appointing Presidential
15	Electors in Member States
16	1. Prior to the time set by law for the meeting and voting by the presidential
17	electors, the chief election official of each member state shall determine the number of votes

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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18 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 votestogether to produce a "national popular vote total" for each presidential slate.

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

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

4. At least six days before the day fixed by law for the meeting 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 twenty four hours to the chief election official of each other member state.

5. 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.

6. In 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.

39 7. If, for any reason, the number of presidential electors nominated in a member 40 state in association with the national popular vote winner is less than or greater than that 41 state's number of electoral votes, the presidential candidate on the presidential slate that has been designated as the national popular vote winner shall have the power to nominate 42 43 the presidential electors for that state and that state's presidential elector certifying official 44 shall certify the appointment of such nominees. The chief election official of each member 45 state shall immediately release to the public all vote counts or statements of votes as they 46 are determined or obtained.

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

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Article IV-Other Provisions

51 **1.** This agreement shall take effect when states cumulatively possessing a majority 52 of the electoral votes have enacted this agreement in substantially the same form and the 53 enactments by such states have taken effect in each state. HB 1921

54 **2.** Any member state may withdraw from this agreement, except that a withdrawal 55 occurring six months or less before the end of a President's term shall not become effective 56 until a President or Vice President shall have been qualified to serve the next term.

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- 57 **3.** The chief executive of each member state shall promptly notify the chief 58 executive of all other states of when this agreement has been enacted and has taken effect 59 in that official's state, when the state has withdrawn from this agreement, and when this 60 agreement takes effect generally.
 - 4. This agreement shall terminate if the electoral college is abolished.
- 5. If any provision of this agreement is held invalid, the remaining provisions shall
 not be affected.

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- **Article V-Definitions**
- 65 For purposes of this agreement:
- 1. "Chief election official" shall mean the state official or body that is authorized
 to certify the total number of popular votes for each presidential slate;
- 68 2. "Chief executive" shall mean the Governor of a State of the United States or the
 69 Mayor of the District of Columbia;
- 703. "Elector slate" shall mean a slate of candidates who have been nominated in a71state for the position of presidential elector in association with a presidential slate;
- 4. "Presidential elector" shall mean an elector for President and Vice President of
 the United States;
- 74 5. "Presidential elector certifying official" shall mean the state official or body that
 75 is authorized to certify the appointment of the state's presidential electors;

6. "Presidential slate" shall mean a slate of two persons, the first of whom has been nominated as a candidate for President of the United States and the second 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 voter in a particular state;

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- 7. "State" shall mean a State of the United States and the District of Columbia;
- 82 **8.** "Statewide popular election" shall mean a general election in which votes are 83 cast for presidential slates by individual voters and counted on a statewide basis.

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