
ASSEMBLY BILL NO. 274—ASSEMBLYMEN ARAUJO, JOINER,
YEAGER, DIAZ, FRIERSON; BILBRAY-AXELROD, CARRILLO,
FUMO, JAUREGUIL, MCCURDY II, MILLER, MONROE-
MORENO AND OHRENSCHALL

MARCH 10, 2017

JOINT SPONSORS: SENATORS ATKINSON,
SPEARMAN AND MANENDO

Referred to Committee on Legislative Operations and Elections

SUMMARY—Enacts the Agreement Among the States to Elect the
President by National Popular Vote. (BDR 24-1021)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to elections; enacting the Agreement Among the
States to Elect the President by National Popular Vote;
and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 The United States Constitution provides for the election of President and Vice
2 President by presidential electors from each state who are appointed in the manner
3 directed by each state legislature. (U.S. Const. Art. II, § 1, cl. 2, U.S. Const.
4 Amend. XII) Existing law provides for the nomination of presidential electors, and
5 alternates thereof, by major and minor political parties and by independent
6 candidates, and requires each nominee for presidential elector and alternate to sign
7 a pledge to vote only for the candidates for President and Vice President who
8 receive the highest number of votes in this State at the general election. (NRS
9 298.035, 298.045) The nominees for presidential elector whose candidates for
10 President and Vice President receive the highest number of votes in this State at the
11 general election are the presidential electors, and the presidential electors may vote
12 only for the candidates for President and Vice President who receive the highest
13 number of votes in this State at the general election. (NRS 298.065, 298.075)

14 This bill provides that the nominees for presidential elector of the candidates
15 for President and Vice President who win the national popular vote would become
16 the official presidential electors for Nevada. **Sections 2-8** of this bill make
17 conforming changes. The provisions of this bill will become effective on the date



18 that states with enough electoral votes to constitute a majority of the electoral votes
19 have adopted this Agreement (270 electoral votes of 538).
20 This bill contains the text of the Agreement Among the States to Elect the
21 President by National Popular Vote without any changes necessary to conform to
22 Nevada law, because each state wishing to participate in the Compact is required to
23 enact the same 888 words, in addition to the enacting clause contained in the
24 Agreement.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 298 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *The Agreement Among the States to Elect the President by*
4 *National Popular Vote is hereby enacted into law and entered into*
5 *with all jurisdictions legally joining the Compact, in substantially*
6 *the form set forth in this section:*

7
8 *Article I—Membership*
9

10 *Any State of the United States and the District of Columbia*
11 *may become a member of this agreement by enacting this*
12 *agreement.*

13
14 *Article II—Right of the People in Member States to*
15 *Vote for President and Vice President*
16

17 *Each member state shall conduct a statewide popular election*
18 *for President and Vice President of the United States.*

19
20 *Article III—Manner of Appointing Presidential*
21 *Electors in Member States*
22

23 *Prior to the time set by law for the meeting and voting by the*
24 *presidential electors, the chief election official of each member*
25 *state shall determine the number of votes for each presidential*
26 *slate in each State of the United States and in the District of*
27 *Columbia in which votes have been cast in a statewide popular*
28 *election and shall add such votes together to produce a “national*
29 *popular vote total” for each presidential slate.*

30
31 *The chief election official of each member state shall designate*
32 *the presidential slate with the largest national popular vote total as*
33 *the “national popular vote winner.”*



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

5
6 *At least six days before the day fixed by law for the meeting and*
7 *voting by the presidential electors, each member state shall make a*
8 *final determination of the number of popular votes cast in the*
9 *state for each presidential slate and shall communicate an official*
10 *statement of such determination within 24 hours to the chief*
11 *election official of each other member state.*

12
13 *The chief election official of each member state shall treat as*
14 *conclusive an official statement containing the number of popular*
15 *votes in a state for each presidential slate made by the day*
16 *established by federal law for making a state's final determination*
17 *conclusive as to the counting of electoral votes by Congress.*

18
19 *In event of a tie for the national popular vote winner, the*
20 *presidential elector certifying official of each member state shall*
21 *certify the appointment of the elector slate nominated in*
22 *association with the presidential slate receiving the largest number*
23 *of popular votes within that official's own state.*

24
25 *If, for any reason, the number of presidential electors*
26 *nominated in a member state in association with the national*
27 *popular vote winner is less than or greater than that state's*
28 *number of electoral votes, the presidential candidate on the*
29 *presidential slate that has been designated as the national popular*
30 *vote winner shall have the power to nominate the presidential*
31 *electors for that state and that state's presidential elector certifying*
32 *official shall certify the appointment of such nominees. The chief*
33 *election official of each member state shall immediately release to*
34 *the public all vote counts or statements of votes as they are*
35 *determined or obtained.*

36
37 *This article shall govern the appointment of presidential*
38 *electors in each member state in any year in which this agreement*
39 *is, on July 20, in effect in states cumulatively possessing a*
40 *majority of the electoral votes.*

41
42 *Article IV—Other Provisions*

43
44 *This agreement shall take effect when states cumulatively*
45 *possessing a majority of the electoral votes have enacted this*



1 *agreement in substantially the same form and the enactments by*
2 *such states have taken effect in each state.*

3
4 *Any member state may withdraw from this agreement, except*
5 *that a withdrawal occurring six months or less before the end of a*
6 *President's term shall not become effective until a President or*
7 *Vice President shall have been qualified to serve the next term.*

8
9 *The chief executive of each member state shall promptly notify*
10 *the chief executive of all other states of when this agreement has*
11 *been enacted and has taken effect in that official's state, when the*
12 *state has withdrawn from this agreement, and when this*
13 *agreement takes effect generally.*

14
15 *This agreement shall terminate if the electoral college is*
16 *abolished.*

17
18 *If any provision of this agreement is held invalid, the*
19 *remaining provisions shall not be affected.*

20
21 *Article V—Definitions*

22
23 *For purposes of this agreement,*

24
25 *“chief executive” shall mean the Governor of a State of the United*
26 *States or the Mayor of the District of Columbia;*

27
28 *“elector slate” shall mean a slate of candidates who have been*
29 *nominated in a state for the position of presidential elector in*
30 *association with a presidential slate;*

31
32 *“chief election official” shall mean the state official or body that is*
33 *authorized to certify the total number of popular votes for each*
34 *presidential slate;*

35
36 *“presidential elector” shall mean an elector for President and Vice*
37 *President of the United States;*

38
39 *“presidential elector certifying official” shall mean the state*
40 *official or body that is authorized to certify the appointment of the*
41 *state's presidential electors;*

42
43 *“presidential slate” shall mean a slate of two persons, the first of*
44 *whom has been nominated as a candidate for President of the*
45 *United States and the second of whom has been nominated as a*



1 *candidate for Vice President of the United States, or any legal*
2 *successors to such persons, regardless of whether both names*
3 *appear on the ballot presented to the voter in a particular state;*
4

5 *“state” shall mean a State of the United States and the District of*
6 *Columbia; and*
7

8 *“statewide popular election” shall mean a general election in*
9 *which votes are cast for presidential slates by individual voters and*
10 *counted on a statewide basis.*

11 **Sec. 2.** NRS 298.015 is hereby amended to read as follows:

12 298.015 As used in NRS ~~298.005~~ **298.015** to 298.089,
13 inclusive, *and section 1 of this act*, the words and terms defined in
14 NRS 298.023 and 298.028 have the meanings ascribed to them in
15 those sections.

16 **Sec. 3.** NRS 298.045 is hereby amended to read as follows:

17 298.045 1. Except as otherwise provided in subsection 2, ~~for~~
18 *each* nominee for presidential elector ~~for an~~ *and* alternate ~~may not~~
19 ~~serve as a presidential elector unless the nominee for presidential~~
20 ~~elector or the alternate signs~~ *must submit to the Secretary of State*
21 *a pledge in substantially the following form:*
22

23 If selected for the position of presidential elector, I agree to
24 serve as such and to vote only for the ~~nominees for President~~
25 ~~and Vice President of the political party or the independent~~
26 ~~candidates who received the highest number of votes in this~~
27 ~~State at the general election.~~ *presidential candidate and vice*
28 *presidential candidate who are on the presidential slate that*
29 *has been determined pursuant to section 1 of this act as the*
30 *national popular vote winner or, in the event of a tie for the*
31 *national popular vote winner, the presidential candidate and*
32 *vice presidential candidate who are on the presidential slate*
33 *receiving the largest number of popular votes within this*
34 *State.*
35

36 2. If a nominee for presidential elector or an alternate is
37 physically unable to sign the pledge, the pledge may be signed by
38 proxy in the presence of the nominee for presidential elector or the
39 alternate, as applicable.

40 ~~3. The chair and secretary of the convention of a major~~
41 ~~political party, the person who is authorized to file the list of~~
42 ~~candidates for partisan office of a minor political party with the~~
43 ~~Secretary of State pursuant to NRS 293.1725 or an independent~~
44 ~~candidate shall submit to the Secretary of State each pledge signed~~



1 ~~pursuant to this section with the list of nominees for presidential~~
2 ~~elector and alternates.}~~

3 **Sec. 4.** NRS 298.055 is hereby amended to read as follows:

4 298.055 ~~{The}~~ *As soon as practicable after the appointment of*
5 *presidential electors pursuant to section 1 of this act, the Secretary*
6 *of State shall submit a* certificate of ascertainment ~~{submitted}~~ to
7 the Archivist of the United States pursuant to 3 U.S.C. § 6 . ~~{must~~
8 ~~include a statement that:~~

9 ~~—1. Each nominee for presidential elector shall serve as a~~
10 ~~presidential elector unless a vacancy occurs in the position of~~
11 ~~presidential elector held by that nominee for presidential elector~~
12 ~~before the conclusion of the meeting of presidential electors held~~
13 ~~pursuant to 3 U.S.C. § 7; and~~

14 ~~—2. If a person is appointed pursuant to NRS 298.065 to fill a~~
15 ~~vacancy in a position of presidential elector, the Secretary of State~~
16 ~~will submit an amended certificate of ascertainment to the~~
17 ~~Archivist.}~~

18 **Sec. 5.** NRS 298.065 is hereby amended to read as follows:

19 298.065 ~~{I}~~ The Secretary of State shall preside at the
20 meeting of presidential electors held pursuant to 3 U.S.C. § 7.
21 ~~{Except as otherwise provided in this section and NRS 298.075, the~~
22 ~~nominees for presidential elector whose candidates for President and~~
23 ~~Vice President receive the highest number of votes in this State at~~
24 ~~the general election are the presidential electors:~~

25 ~~—2. If a nominee for presidential elector is not present to vote at~~
26 ~~the meeting, the position of presidential elector to be filled by that~~
27 ~~nominee for presidential elector is vacant and the vacancy must be~~
28 ~~filled as follows:~~

29 ~~—(a) If the alternate is present at the meeting, the Secretary of~~
30 ~~State shall appoint the alternate to the position of presidential~~
31 ~~elector;~~

32 ~~—(b) If the alternate is not present at the meeting, the Secretary of~~
33 ~~State shall appoint to the position of presidential elector a person~~
34 ~~chosen by lot from among the alternates present at the meeting, if~~
35 ~~any;~~

36 ~~—(c) If no alternates are present at the meeting, the Secretary of~~
37 ~~State shall appoint to the position of presidential elector a person~~
38 ~~who is:~~

39 ~~—(1) A qualified elector;~~

40 ~~—(2) Present at the meeting; and~~

41 ~~—(3) Chosen through nomination by and plurality vote of~~
42 ~~presidential electors who are present at the meeting; and~~

43 ~~—(d) If votes cast pursuant to subparagraph (3) of paragraph (c)~~
44 ~~result in a tie, the Secretary of State shall appoint to the position of~~



1 ~~presidential elector a person who is chosen by lot from those~~
2 ~~persons who tied for the most votes.~~

3 ~~—3. If all the positions of presidential elector are vacant and no~~
4 ~~alternates are present at the meeting, the Secretary of State shall~~
5 ~~appoint from the qualified electors one person to the position of~~
6 ~~presidential elector, and the remaining positions must be filled~~
7 ~~pursuant to paragraphs (c) and (d) of subsection 2.~~

8 ~~—4. The nomination by and vote of a single presidential elector~~
9 ~~is sufficient to choose a person to be appointed to the position of~~
10 ~~presidential elector pursuant to subparagraph (3) of paragraph (c) of~~
11 ~~subsection 2.~~

12 ~~—5. Except as otherwise provided in subsection 6, a person~~
13 ~~appointed to the position of presidential elector pursuant to this~~
14 ~~section may not serve in that position unless the person signs a~~
15 ~~pledge in substantially the following form:~~

16
17 I agree to serve as a presidential elector and to vote only for
18 the nominees for President and Vice President of the party or
19 the independent candidates who received the highest number
20 of votes in this State at the general election.

21
22 ~~—6. If a person appointed to the position of presidential elector~~
23 ~~pursuant to this section is physically unable to sign the pledge, the~~
24 ~~pledge may be signed by proxy.~~

25 ~~—7. If a person appointed to a position of presidential elector~~
26 ~~pursuant to this section does not sign the pledge described in~~
27 ~~subsection 5, that position of presidential elector is vacant and must~~
28 ~~be filled pursuant to this section.]~~

29 **Sec. 6.** NRS 298.075 is hereby amended to read as follows:

30 298.075 ~~[.]~~ The Secretary of State shall provide to each
31 presidential elector a ballot for the office of President and a ballot
32 for the office of Vice President. The presidential elector shall mark
33 the applicable ballot provided by the Secretary of State for the
34 ~~[person]~~ *presidential candidate and vice presidential candidate*
35 who ~~[received the highest number of votes at the general election for~~
36 ~~the office of President and the person who received the highest~~
37 ~~number of votes at the general election for the office of Vice~~
38 ~~President.]~~ *are on the presidential slate that has been determined*
39 *pursuant to section 1 of this act as the national popular vote*
40 *winner or, in the event of a tie for the national popular vote*
41 *winner, the presidential candidate and vice presidential candidate*
42 *who are on the presidential slate receiving the largest number of*
43 *popular votes within this State.* The presidential elector shall sign
44 and legibly print his or her name on the ballots and present the
45 ballots to the Secretary of State.



1 ~~2. After all presidential electors have presented their ballots to~~
2 ~~the Secretary of State, the Secretary of State shall examine each~~
3 ~~ballot. If a presidential elector:~~

4 ~~—(a) Presents both ballots and the ballots are marked with votes~~
5 ~~for the person who received the highest number of votes at the~~
6 ~~general election for the office of President and the person who~~
7 ~~received the highest number of votes at the general election for the~~
8 ~~office of Vice President, respectively, the Secretary of State shall~~
9 ~~accept both ballots.~~

10 ~~—(b) Does not present both ballots, presents an unmarked ballot or~~
11 ~~presents a ballot marked with a vote that does not conform with the~~
12 ~~provisions of subsection 1:~~

13 ~~—(1) The Secretary of State shall refuse to accept either ballot~~
14 ~~of the presidential elector; and~~

15 ~~—(2) The Secretary of State shall deem the presidential~~
16 ~~elector's position vacant. The vacancy must be filled pursuant to~~
17 ~~the provisions of NRS 298.065. The person appointed to fill the~~
18 ~~vacancy in the position of presidential elector, after signing the~~
19 ~~pledge described in NRS 298.065, shall mark both ballots and~~
20 ~~present both ballots to the Secretary of State pursuant to this section.~~

21 ~~—3. Only the votes accepted by the Secretary of State pursuant to~~
22 ~~this section may be recorded on the lists of votes made by the~~
23 ~~presidential electors pursuant to 3 U.S.C. § 9.]~~

24 **Sec. 7.** NRS 298.089 is hereby amended to read as follows:

25 298.089 In applying and construing the provisions of NRS
26 ~~[298.005]~~ **298.015** to 298.089, inclusive, *and section 1 of this act,*
27 consideration must be given to the need to promote uniformity of
28 the law with respect to its subject matter among states that have
29 enacted the ~~[Uniform Faithful Presidential Electors Act.]~~ *Agreement*
30 *Among the States to Elect the President by National Popular Vote.*

31 **Sec. 8.** NRS 298.005 and 298.085 are hereby repealed.

32 **Sec. 9.** 1. This section and section 1 of this act become
33 effective upon passage and approval.

34 2. Sections 2 to 8, inclusive, of this act become effective on the
35 date the Agreement Among the States to Elect the President by
36 National Popular Vote becomes effective as provided in Article IV
37 of that Agreement and, if that Agreement governs the appointment
38 of presidential electors for a presidential election, as provided in
39 Article III of that Agreement.



TEXT OF REPEALED SECTIONS

298.005 Short title. NRS 298.005 to 298.089, inclusive, may be cited as the Uniform Faithful Presidential Electors Act.

298.085 Amended certificate of ascertainment. If the presidential electors whose votes are accepted by the Secretary of State pursuant to NRS 298.075 are not the same persons indicated on the certificate of ascertainment submitted to the Archivist of the United States pursuant to 3 U.S.C. § 6, the Secretary of State shall:

1. Prepare an amended certificate of ascertainment that contains the names of persons who served as presidential electors; and
2. Communicate to the Archivist of the United States the amended certificate of ascertainment and a statement that the amended certificate is to replace the certificate of ascertainment previously submitted to the Archivist.



