

SECOND REGULAR SESSION

SENATE BILL NO. 853

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SMITH.

Pre-filed December 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3107S.011

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 known as section 128.005, to read as follows:

128.005. 1. This section shall be known and may be cited as the "Interstate Compact on the Agreement Among the States to Elect the President by National Popular Vote Act".

2. The State of Missouri ratifies and approves the following compact:

Agreement Among the States to Elect the President by National Popular Vote

Article I-Membership

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

Article II-Right of the People in Member States to Vote for President and Vice President

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

Article III-Manner of Appointing Presidential Electors in Member States

1. Prior to the time set by law for the meeting 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

21 votes have been cast in a statewide popular election and shall add such
22 votes together to produce a "national popular vote total" for each
23 presidential slate.

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

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

31 4. At least six days before the day fixed by law for the meeting
32 and voting by the presidential electors, each member state shall make
33 a final determination of the number of popular votes cast in the state
34 for each presidential slate and shall communicate an official statement
35 of such determination within twenty-four hours to the chief election
36 official of each other member state.

37 5. The chief election official of each member state shall treat as
38 conclusive an official statement containing the number of popular votes
39 in a state for each presidential slate made by the day established by
40 federal law for making a state's final determination conclusive as to the
41 counting of electoral votes by Congress.

42 6. In event of a tie for the national popular vote winner, the
43 presidential elector certifying official of each member state shall
44 certify the appointment of the elector slate nominated in association
45 with the presidential slate receiving the largest number of popular
46 votes within that official's own state.

47 7. If, for any reason, the number of presidential electors
48 nominated in a member state in association with the national popular
49 vote winner is less than or greater than that state's number of electoral
50 votes, the presidential candidate on the presidential slate that has been
51 designated as the national popular vote winner shall have the power to
52 nominate the presidential electors for that state and that state's
53 presidential elector certifying official shall certify the appointment of
54 such nominees. The chief election official of each member state shall
55 immediately release to the public all vote counts or statements of votes
56 as they are determined or obtained.

57 8. This article shall govern the appointment of presidential

58 electors in each member state in any year in which this agreement is,
59 on July 20th, in effect in states cumulatively possessing a majority of
60 the electoral votes.

61 **Article IV-Other Provisions**

62 1. This agreement shall take effect when states cumulatively
63 possessing a majority of the electoral votes have enacted this
64 agreement in substantially the same form and the enactments by such
65 states have taken effect in each state.

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

70 3. The chief executive of each member state shall promptly notify
71 the chief executive of all other states of when this agreement has been
72 enacted and has taken effect in that official's state, when the state has
73 withdrawn from this agreement, and when this agreement takes effect
74 generally.

75 4. This agreement shall terminate if the electoral college is
76 abolished.

77 5. If any provision of this agreement is held invalid, the
78 remaining provisions shall not be affected.

79 **Article V-Definitions**

80 For purposes of this agreement:

81 1. "Chief executive" shall mean the Governor of a State of the
82 United States or the Mayor of the District of Columbia;

83 2. "Elector slate" shall mean a slate of candidates who have been
84 nominated in a state for the position of presidential elector in
85 association with a presidential slate;

86 3. "Chief election official" shall mean the state official or body
87 that is authorized to certify the total number of popular votes for each
88 presidential slate;

89 4. "Presidential elector" shall mean an elector for President and
90 Vice President of the United States;

91 5. "Presidential elector certifying official" shall mean the state
92 official or body that is authorized to certify the appointment of the
93 state's presidential electors;

94 6. "Presidential slate" shall mean a slate of two persons, the first

95 of whom has been nominated as a candidate for President of the United
96 States and the second of whom has been nominated as a candidate for
97 Vice President of the United States, or any legal successors to such
98 persons, regardless of whether both names appear on the ballot
99 presented to the voter in a particular state;

100 7. "State" shall mean a State of the United States and the District
101 of Columbia; and

102 8. "Statewide popular election" shall mean a general election in
103 which votes are cast for presidential slates by individual voters and
104 counted on a statewide basis.

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Bill

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