

SECOND REGULAR SESSION

# SENATE BILL NO. 1041

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS SCHATZ AND SCHAAF.

Read 1st time February 9, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6392S.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 24 hours to the chief election official of  
36 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 20, in effect in states cumulatively possessing a majority of the  
60 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.

Unofficial

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Bill

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