

FIRST REGULAR SESSION

SENATE BILL NO. 292

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHUPP.

1152S.011

ADRIANE D. CROUSE, Secretary

AN ACT

To amend chapter 128, RSMo, by adding thereto one new section relating to the adoption of the agreement among the states to elect the president by national popular vote.

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

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

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

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

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

8 Article I-Membership

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

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

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

17 Article III-Manner of Appointing Presidential
18 Electors in Member States

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

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

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

35 4. At least six days before the day fixed by law for
36 the meeting and voting by the presidential electors, each
37 member state shall make a final determination of the number
38 of popular votes cast in the state for each presidential
39 slate and shall communicate an official statement of such
40 determination within 24 hours to the chief election official
41 of each other member state.

42 5. The chief election official of each member state
43 shall treat as conclusive an official statement containing
44 the number of popular votes in a state for each presidential
45 slate made by the day established by federal law for making
46 a state's final determination conclusive as to the counting
47 of electoral votes by Congress.

48 6. In event of a tie for the national popular vote
49 winner, the presidential elector certifying official of each
50 member state shall certify the appointment of the elector

51 slate nominated in association with the presidential slate
52 receiving the largest number of popular votes within that
53 official's own state.

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

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

71 Article IV-Other Provisions

72 1. This agreement shall take effect when states
73 cumulatively possessing a majority of the electoral votes
74 have enacted this agreement in substantially the same form
75 and the enactments by such states have taken effect in each
76 state.

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

82 3. The chief executive of each member state shall
83 promptly notify the chief executive of all other states of
84 when this agreement has been enacted and has taken effect in
85 that official's state, when the state has withdrawn from
86 this agreement, and when this agreement takes effect
87 generally.

88 4. This agreement shall terminate if the electoral
89 college is abolished.

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

92 Article V-Definitions

93 For purposes of this agreement:

94 1. "Chief executive" shall mean the Governor of a
95 State of the United States or the Mayor of the District of
96 Columbia;

97 2. "Elector slate" shall mean a slate of candidates
98 who have been nominated in a state for the position of
99 presidential elector in association with a presidential
100 slate;

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

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

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

109 6. "Presidential slate" shall mean a slate of two
110 persons, the first of whom has been nominated as a candidate
111 for President of the United States and the second of whom
112 has been nominated as a candidate for Vice President of the
113 United States, or any legal successors to such persons,

114 regardless of whether both names appear on the ballot
115 presented to the voter in a particular state;

116 7. "State" shall mean a State of the United States and
117 the District of Columbia; and

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

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