

FIRST REGULAR SESSION

HOUSE BILL NO. 267

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MERIDETH.

0876H.011

DANA RADEMAN MILLER, 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 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

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.

18 for each presidential slate in each State of the United States and in the District of Columbia
19 in which votes have been cast in a statewide popular election and shall add such votes
20 together 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.

26 4. At least six days before the day fixed by law for the meeting and voting by the
27 presidential electors, each member state shall make a final determination of the number
28 of popular votes cast in the state for each presidential slate and shall communicate an
29 official statement of such determination within 24 hours to the chief election official of each
30 other member state.

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

35 6. In event of a tie for the national popular vote winner, the presidential elector
36 certifying official of each member state shall certify the appointment of the elector slate
37 nominated in association with the presidential slate receiving the largest number of
38 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
42 has been designated as the national popular vote winner shall have the power to nominate
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.

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

50 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.

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.**

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.**

61 **4. This agreement shall terminate if the electoral college is abolished.**

62 **5. If any provision of this agreement is held invalid, the remaining provisions shall**
63 **not be affected.**

64 Article V-Definitions

65 **For purposes of this agreement:**

66 **1. "Chief executive" shall mean the Governor of a State of the United States or the**
67 **Mayor of the District of Columbia;**

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

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

72 **4. "Presidential elector" shall mean an elector for President and Vice President of**
73 **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;**

76 **6. "Presidential slate" shall mean a slate of two persons, the first of whom has been**
77 **nominated as a candidate for President of the United States and the second of whom has**
78 **been nominated as a candidate for Vice President of the United States, or any legal**
79 **successors to such persons, regardless of whether both names appear on the ballot**
80 **presented to the voter in a particular state;**

81 **7. "State" shall mean a State of the United States and the District of Columbia; and**

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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