

**H.F. No. 495, as introduced - 87th Legislative Session (2011-2012)** Posted on Feb 14, 2011

1.1A bill for an act

1.2relating to elections; enacting the Agreement Among the States to Elect the

1.3President by National Popular Vote;proposing coding for new law in Minnesota

1.4Statutes, chapter 208.

1.5BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[208.051] AGREEMENT AMONG THE STATES TO ELECT THE**

1.7**PRESIDENT BY NATIONAL POPULAR VOTE.**

1.8The Agreement Among the States to Elect the President by National Popular Vote is

1.9enacted into law and entered into with all other states legally joining in it in substantially

1.10the following form:

1.11Article I - Membership

1.12Any state of the United States and the District of Columbia may become a member

1.13of this agreement by enacting this agreement.

1.14Article II - Right of the People in Member States to

1.15Vote for President and Vice President

1.16Each member state shall conduct a statewide popular election for president and

1.17vice president of the United States.

1.18Article III - Manner of Appointing Presidential Electors in Member States

1.19Prior to the time set by law for the meeting and voting by the presidential electors,

1.20the chief election official of each member state shall determine the number of votes for

1.21each presidential slate in each state of the United States and in the District of Columbia

1.22in which votes have been cast in a statewide popular election and shall add such votes

1.23together to produce a "national popular vote total" for each presidential slate. The chief

1.24election official of each member state shall designate the presidential slate with the largest

2.1national popular vote total as the "national popular vote winner." The presidential elector

2.2certifying official of each member state shall certify the appointment in that official's own

2.3state of the elector slate nominated in that state in association with the national popular

2.4vote winner. At least six days before the day fixed by law for the meeting and voting by the

2.5presidential electors, each member state shall make a final determination of the number of

2.6popular votes cast in the state for each presidential slate and shall communicate an official

2.7statement of such determination within 24 hours to the chief election official of each other

2.8member state. The chief election official of each member state shall treat as conclusive an

2.9official statement containing the number of popular votes in a state for each presidential

2.10slate made by the day established by federal law for making a state's final determination

2.11conclusive as to the counting of electoral votes by Congress. In event of a tie for the

2.12national popular vote winner, the presidential elector certifying official of each member

2.13state shall certify the appointment of the elector slate nominated in association with the

2.14presidential slate receiving the largest number of popular votes within that official's own

2.15state. If, for any reason, the number of presidential electors nominated in a member state

2.16in association with the national popular vote winner is less than or greater than that state's

2.17number of electoral votes, the presidential candidate on the presidential slate that has been

2.18designated as the national popular vote winner shall have the power to nominate the

2.19presidential electors for that state and that state's presidential elector certifying official

2.20 shall certify the appointment of such nominees. The chief election official of each member  
2.21 state shall immediately release to the public all vote counts or statements of votes as they  
2.22 are determined or obtained. This article shall govern the appointment of presidential  
2.23 electors in each member state in any year in which this agreement is, on July 20, in effect  
2.24 in states cumulatively possessing a majority of the electoral votes.

#### 2.25 Article IV - Other Provisions

2.26 This agreement shall take effect when states cumulatively possessing a majority of  
2.27 the electoral votes have enacted this agreement in substantially the same form and the  
2.28 enactments by such states have taken effect in each state. Any member state may withdraw  
2.29 from this agreement, except that a withdrawal occurring six months or less before the end  
2.30 of a president's term shall not become effective until a president or vice president shall  
2.31 have been qualified to serve the next term. The chief executive of each member state shall  
2.32 promptly notify the chief executive of all other states of when this agreement has been  
2.33 enacted and has taken effect in that official's state, when the state has withdrawn from this  
2.34 agreement, and when this agreement takes effect generally. This agreement shall terminate  
2.35 if the electoral college is abolished. If any provision of this agreement is held invalid, the  
2.36 remaining provisions shall not be affected.

#### 3.1 Article V - Definitions

3.2 For purposes of this agreement,

3.3 "chief executive" means the governor of a state of the United States or the mayor of  
3.4 the District of Columbia;

3.5 "elector slate" means a slate of candidates who have been nominated in a state for  
3.6 the position of presidential elector in association with a presidential slate;

3.7 "chief election official" means the state official or body that is authorized to certify  
3.8 the total number of popular votes for each presidential slate;

3.9 "presidential elector" means an elector for president and vice president of the  
3.10 United States;

3.11 "presidential elector certifying official" means the state official or body that is  
3.12 authorized to certify the appointment of the state's presidential electors;

3.13 "presidential slate" means a slate of two persons, the first of whom has been  
3.14 nominated as a candidate for president of the United States and the second of whom  
3.15 has been nominated as a candidate for vice president of the United States, or any legal  
3.16 successors to such persons, regardless of whether both names appear on the ballot  
3.17 presented to the voter in a particular state;

3.18 "state" means a state of the United States and the District of Columbia; and

3.19 "statewide popular election" means a general election in which votes are cast for  
3.20 presidential slates by individual voters and counted on a statewide basis.