2017 HB 311

A bill to be entitled

2 An act relating to the Agreement Among the States to 3 4 5 6 7 8 9 presidential electors in member states; providing that 10 11 12

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Elect the President by National Popular Vote; providing for enactment of the agreement; providing definitions; providing a method by which a state may become a member state; requiring a statewide popular election for President and Vice President of the United States; establishing a procedure for appointing

the agreement becomes effective upon the occurrence of specified actions; providing for the withdrawal of a member state; requiring notification of member states

when the agreement takes effect in a nonmember state or when a member state withdraws from the agreement;

providing for severability; providing an effective

date.

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Be It Enacted by the Legislature of the State of Florida:

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Section 1. Agreement Among the States to Elect the President by National Popular Vote.-The Agreement Among the States to Elect the President by National Popular Vote is enacted into law and entered into by this state with all states legally joining therein in the form substantially as follows:

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Article I

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27	DEFINITIONS.—For purposes of this agreement:											
28	(1) "Chief election official" means the state official or											
29	body authorized to certify the total number of popular votes for											
30	each presidential slate.											
31	(2) "Chief executive" means the Governor of a state of the											
32	United States or the Mayor of the District of Columbia.											
33	(3) "Elector slate" means a slate of candidates who have											
34	been nominated in a state for the position of presidential											
35	elector in association with a presidential slate.											
36	(4) "Presidential elector" means an elector for President											
37	and Vice President of the United States.											
38	(5) "Presidential elector certifying official" means the											
39	state official or body authorized to certify the appointment of											
40	the state's presidential electors.											
41	(6) "Presidential slate" means a slate of two persons, the											
42	first of whom has been nominated as a candidate for President of											
43	the United States and the second of whom has been nominated as a											
44	candidate for Vice President of the United States, or any legal											
45	successors to such persons, regardless of whether both names											
46	appear on the ballot presented to the voter in a particular											
47	state.											
48	(7) "State" means a state of the United States or the											
49	District of Columbia.											
50	(8) "Statewide popular election" means a general election											

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in which votes are cast for presidential slates by individual voters and counted on a statewide basis.

## Article II

MEMBERSHIP.—Any state of the United States or the District
of Columbia may become a member of the league of states
officially supporting this agreement by enacting this agreement.

### Article III

RIGHT OF THE PEOPLE IN MEMBER STATES TO VOTE FOR THE PRESIDENT AND THE VICE PRESIDENT.—Each member state shall conduct a statewide popular election for President and Vice President of the United States.

#### Article IV

MANNER OF APPOINTING PRESIDENTIAL ELECTORS IN MEMBER STATES.—

- voting by the presidential electors, the chief election official of each member state shall determine the number of votes cast in a statewide popular election for each presidential slate in each state of the United States and in the District of Columbia and shall add the total number of votes from each state to produce a national popular vote total for each presidential slate.
  - (2) The chief election official of each member state shall

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designate the presidential slate having the largest national popular vote total as the national popular vote winner.

- (3) The presidential elector certifying official of each member state shall certify the appointment in that official's respective state of the elector slate nominated by that state in association with the national popular vote winner.
- (4) At least 6 days before the day established by law for the meeting of and voting by the presidential electors, each member state shall make a final determination of the number of popular votes cast in the state for each presidential slate and shall communicate an official statement of such determination within 24 hours to the chief election official of each other member state.
- (5) The chief election official of each member state shall treat as conclusive an official statement containing the number of popular votes in a state for each presidential slate made by the day established by federal law for making a state's final determination conclusive as to the counting of electoral votes by Congress.
- (6) If the election results in a tie for the national popular vote winner, the presidential elector certifying official of each member state shall certify the appointment of the elector slate nominated in association with the presidential slate receiving the largest number of popular votes within that official's respective state.

(7) If, for any reason, the number of presidential
electors nominated in a member state in association with the
national popular vote winner is fewer than or greater than that
state's number of electoral votes, the presidential candidate on
the presidential slate who has been designated as the national
popular vote winner may nominate the presidential electors for
that state, and that state's presidential elector certifying
official shall certify the appointment of such nominees.

- (8) The chief election official of each member state shall immediately release to the public all vote counts or statements of votes as they are determined or obtained.
- (9) This article shall govern the appointment of presidential electors in each member state in any year in which this agreement is, on July 20, in effect in states cumulatively possessing a majority of the electoral votes.

Article V

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#### OTHER PROVISIONS.-

- (1) This agreement shall take effect when states cumulatively possessing a majority of the electoral votes have enacted this agreement in substantially the same form and the enactments by such states have taken effect in each state.
- (2) Any member state may withdraw from this agreement, except that a withdrawal occurring 6 months or less before the end of a President's term does not become effective until a

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126	Presi	dent	or	Vice	President	has	been	qualifie	ed to	serve	the	next
127	term.	_										
128		(3)	The	chie	f executi	ve o	f each	n member	state	shall	<u>L</u>	

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- <u>(3) The chief executive of each member state shall</u> promptly notify the chief executive of all other states when this agreement has been enacted and has taken effect in that official's state, or when the state has withdrawn from this agreement.
- (4) This agreement shall terminate if the electoral college is abolished.
- (5) If any provision of this agreement is held invalid, the remaining provisions are not affected.
- Section 2. This act shall take effect July 1, 2017.