

By Senator Torres

15-01672-18

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1                   A bill to be entitled  
2           An act relating to the Agreement Among the States to  
3           Elect the President by National Popular Vote;  
4           providing for enactment of the agreement; providing a  
5           method by which a state may become a member state;  
6           requiring a statewide popular election for President  
7           and Vice President of the United States; establishing  
8           a procedure for appointing presidential electors in  
9           member states; providing that the agreement becomes  
10          effective upon the occurrence of specified actions;  
11          providing for the withdrawal of a member state;  
12          requiring notification of member states when the  
13          agreement takes effect in a nonmember state or when a  
14          member state withdraws from the agreement; providing  
15          for severability; providing definitions; providing an  
16          effective date.

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

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

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26                   Article I

27           Membership.—Any state of the United States and the District  
28 of Columbia may become a member of this agreement by enacting  
29 this agreement.

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58Article 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.—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 votes have been cast in a statewide popular election and shall add such votes together to produce a “national popular vote total” for each presidential slate.

The chief election official of each member state shall designate the presidential slate with the largest national popular vote total as the “national popular vote winner.”

The presidential elector certifying official of each member state shall certify the appointment in that official’s own state of the elector slate nominated in that state in association with the national popular vote winner.

At least six days before the day fixed by law for the meeting 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

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59 24 hours to the chief election official of each other member  
60 state.

61 The chief election official of each member state shall  
62 treat as conclusive an official statement containing the number  
63 of popular votes in a state for each presidential slate made by  
64 the day established by federal law for making a state's final  
65 determination conclusive as to the counting of electoral votes  
66 by Congress.

67 In the event of a tie for the national popular vote winner,  
68 the presidential elector certifying official of each member  
69 state shall certify the appointment of the elector slate  
70 nominated in association with the presidential slate receiving  
71 the largest number of popular votes within that official's own  
72 state.

73 If, for any reason, the number of presidential electors  
74 nominated in a member state in association with the national  
75 popular vote winner is less than or greater than that state's  
76 number of electoral votes, the presidential candidate on the  
77 presidential slate that has been designated as the national  
78 popular vote winner shall have the power to nominate the  
79 presidential electors for that state and that state's  
80 presidential elector certifying official shall certify the  
81 appointment of such nominees.

82 The chief election official of each member state shall  
83 immediately release to the public all vote counts or statements  
84 of votes as they are determined or obtained.

85 This article shall govern the appointment of presidential  
86 electors in each member state in any year in which this  
87 agreement is, on July 20, in effect in states cumulatively

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88 possessing a majority of the electoral votes.

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#### Article IV

91 Other provisions.—This agreement shall take effect when  
92 states cumulatively possessing a majority of the electoral votes  
93 have enacted this agreement in substantially the same form and  
94 the enactments by such states have taken effect in each state.

95 Any member state may withdraw from this agreement, except  
96 that a withdrawal occurring six months or less before the end of  
97 a President's term shall not become effective until a President  
98 or Vice President shall have been qualified to serve the next  
99 term.

100 The chief executive of each member state shall promptly  
101 notify the chief executive of all other states of when this  
102 agreement has been enacted and has taken effect in that  
103 official's state, when the state has withdrawn from this  
104 agreement, and when this agreement takes effect generally.

105 This agreement shall terminate if the electoral college is  
106 abolished.

107 If any provision of this agreement is held invalid, the  
108 remaining provisions shall not be affected.

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#### Article V

111 Definitions.—For purposes of this agreement,

112 "Chief executive" shall mean the Governor of a State of the  
113 United States or the Mayor of the District of Columbia;

114 "Chief election official" shall mean the state official or  
115 body that is authorized to certify the total number of popular  
116 votes for each presidential slate;

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117 "Elector slate" shall mean a slate of candidates who have  
118 been nominated in a state for the position of presidential  
119 elector in association with a presidential slate;

120 "Presidential elector" shall mean an elector for President  
121 and Vice President of the United States;

122 "Presidential elector certifying official" shall mean the  
123 state official or body that is authorized to certify the  
124 appointment of the state's presidential electors;

125 "Presidential slate" shall mean a slate of two persons, the  
126 first of whom has been nominated as a candidate for President of  
127 the United States and the second of whom has been nominated as a  
128 candidate for Vice President of the United States, or any legal  
129 successors to such persons, regardless of whether both names  
130 appear on the ballot presented to the voter in a particular  
131 state;

132 "State" shall mean a State of the United States and the  
133 District of Columbia; and

134 "Statewide popular election" shall mean a general election  
135 in which votes are cast for presidential slates by individual  
136 voters and counted on a statewide basis.

137 Section 2. This act shall take effect July 1, 2018.