

# HOUSE BILL No. 5344

February 20, 2014, Introduced by Rep. Lori and referred to the Committee on Elections and Ethics.

A bill to enter into the interstate compact to elect the president by national popular vote; and for related purposes.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act shall be known and may be cited as the  
2 "interstate compact to elect the president by national popular  
3 vote".

4           Sec. 3. The interstate compact to elect the president by  
5 national popular vote is enacted into law and entered into with all  
6 jurisdictions legally joining in the compact, in the form  
7 substantially as follows:

8                           Agreement Among the States to Elect the President  
9   by National Popular Vote

10 ARTICLE I - MEMBERSHIP

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

1 ARTICLE II - RIGHT OF THE PEOPLE IN MEMBER STATES TO VOTE FOR  
2 PRESIDENT AND VICE PRESIDENT

3 Each member state shall conduct a statewide popular election  
4 for President and Vice President of the United States.

5 ARTICLE III - MANNER OF APPOINTING PRESIDENTIAL ELECTORS IN MEMBER  
6 STATES

7 Prior to the time set by law for the meeting and voting by the  
8 presidential electors, the chief election official of each member  
9 state shall determine the number of votes for each presidential  
10 slate in each State of the United States and in the District of  
11 Columbia in which votes have been cast in a statewide popular  
12 election and shall add such votes together to produce a "national  
13 popular vote total" for each presidential slate.

14 The chief election official of each member state shall  
15 designate the presidential slate with the largest national popular  
16 vote total as the "national popular vote winner."

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

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

27 The chief election official of each member state shall treat

1 as conclusive an official statement containing the number of  
2 popular votes in a state for each presidential slate made by the  
3 day established by federal law for making a state's final  
4 determination conclusive as to the counting of electoral votes by  
5 Congress.

6 In event of a tie for the national popular vote winner, the  
7 presidential elector certifying official of each member state shall  
8 certify the appointment of the elector slate nominated in  
9 association with the presidential slate receiving the largest  
10 number of popular votes within that official's own state.

11 If, for any reason, the number of presidential electors  
12 nominated in a member state in association with the national  
13 popular vote winner is less than or greater than that state's  
14 number of electoral votes, the presidential candidate on the  
15 presidential slate that has been designated as the national popular  
16 vote winner shall have the power to nominate the presidential  
17 electors for that state and that state's presidential elector  
18 certifying official shall certify the appointment of such nominees.  
19 The chief election official of each member state shall immediately  
20 release to the public all vote counts or statements of votes as  
21 they are determined or obtained.

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

#### 26 ARTICLE IV - OTHER PROVISIONS

27 This agreement shall take effect when states cumulatively

1 possessing a majority of the electoral votes have enacted this  
2 agreement in substantially the same form and the enactments by such  
3 states have taken effect in each state.

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

8 The chief executive of each member state shall promptly notify  
9 the chief executive of all other states of when this agreement has  
10 been enacted and has taken effect in that official's state, when  
11 the state has withdrawn from this agreement, and when this  
12 agreement takes effect generally.

13 This agreement shall terminate if the electoral college is  
14 abolished.

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

#### 17 ARTICLE V - DEFINITIONS

18 For purposes of this agreement,

19 "chief executive" shall mean the Governor of a State of the  
20 United States or the Mayor of the District of Columbia;

21 "elector slate" shall mean a slate of candidates who have been  
22 nominated in a state for the position of presidential elector in  
23 association with a presidential slate;

24 "chief election official" shall mean the state official or  
25 body that is authorized to certify the total number of popular  
26 votes for each presidential slate;

27 "presidential elector" shall mean an elector for President and

1 Vice President of the United States;

2 "presidential elector certifying official" shall mean the  
3 state official or body that is authorized to certify the  
4 appointment of the state's presidential electors;

5 "presidential slate" shall mean a slate of two persons, the  
6 first of whom has been nominated as a candidate for President of  
7 the United States and the second of whom has been nominated as a  
8 candidate for Vice President of the United States, or any legal  
9 successors to such persons, regardless of whether both names appear  
10 on the ballot presented to the voter in a particular state;

11 "state" shall mean a State of the United States and the  
12 District of Columbia; and

13 "statewide popular election" shall mean a general election in  
14 which votes are cast for presidential slates by individual voters  
15 and counted on a statewide basis.