

# SENATE BILL NO. 126

March 02, 2023, Introduced by Senators CHANG, IRWIN, MCMORROW, BAYER, GEISS, SANTANA, SINGH, MCCANN, SHINK and CHERRY and referred to the Committee on Elections and Ethics.

A bill to enter into the agreement among the states 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 may be cited as the "agreement among the  
2 states to elect the President by national popular vote".

3           Sec. 2. It is the public policy of this state that the one-  
4 person, one-vote principle requires that the candidate who receives  
5 the most votes nationwide should become President.

6           Sec. 3. The agreement among the states to elect the President  
7 by national popular vote is enacted into law and entered into with

1 all jurisdictions legally joining in the agreement, in the form  
2 substantially as follows:

3 Agreement Among the States to Elect the President  
4 by National Popular Vote

5 ARTICLE I - MEMBERSHIP

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

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

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

12 ARTICLE III - MANNER OF APPOINTING PRESIDENTIAL ELECTORS IN MEMBER  
13 STATES

14 Prior to the time set by law for the meeting and voting by the  
15 presidential electors, the chief election official of each member  
16 state shall determine the number of votes for each presidential  
17 slate in each State of the United States and in the District of  
18 Columbia in which votes have been cast in a statewide popular  
19 election and shall add such votes together to produce a "national  
20 popular vote total" for each presidential slate.

21 The chief election official of each member state shall  
22 designate the presidential slate with the largest national popular  
23 vote total as the "national popular vote winner."

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

28 At least six days before the day fixed by law for the meeting  
29 and voting by the presidential electors, each member state shall

1 make a final determination of the number of popular votes cast in  
2 the state for each presidential slate and shall communicate an  
3 official statement of such determination within 24 hours to the  
4 chief election official of each other member state.

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

11         In event of a tie for the national popular vote winner, the  
12 presidential elector certifying official of each member state shall  
13 certify the appointment of the elector slate nominated in  
14 association with the presidential slate receiving the largest  
15 number of popular votes within that official's own state.

16         If, for any reason, the number of presidential electors  
17 nominated in a member state in association with the national  
18 popular vote winner is less than or greater than that state's  
19 number of electoral votes, the presidential candidate on the  
20 presidential slate that has been designated as the national popular  
21 vote winner shall have the power to nominate the presidential  
22 electors for that state and that state's presidential elector  
23 certifying official shall certify the appointment of such nominees.

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

27         This article shall govern the appointment of presidential  
28 electors in each member state in any year in which this agreement  
29 is, on July 20, in effect in states cumulatively possessing a

1 majority of the electoral votes.

2 ARTICLE IV - OTHER PROVISIONS

3 This agreement shall take effect when states cumulatively  
4 possessing a majority of the electoral votes have enacted this  
5 agreement in substantially the same form and the enactments by such  
6 states have taken effect in each state.

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

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

16 This agreement shall terminate if the electoral college is  
17 abolished.

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

20 ARTICLE V - DEFINITIONS

21 For purposes of this agreement,

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

24 "elector slate" shall mean a slate of candidates who have been  
25 nominated in a state for the position of presidential elector in  
26 association with a presidential slate;

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

1 "presidential elector" shall mean an elector for President and  
2 Vice President of the United States;

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

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

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

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

17 Sec. 4. When the agreement among the states to elect the  
18 President by national popular vote governs the appointment of  
19 presidential electors, the provisions of the agreement take  
20 precedence over any conflicting law of this state.

21 Enacting section 1. This act takes effect 90 days after the  
22 date it is enacted into law.