

# Senate Bill 885

Sponsored by Senator MONROE; Senators BATES, BOQUIST, EDWARDS, HASS, ROSENBAUM, SHIELDS, TELFER, Representatives BAILEY, BARKER, BARNHART, BERGER, BEYER, BOONE, BUCKLEY, CANNON, CLEM, DEMBROW, DOHERTY, GARRETT, GREENLICK, HARKER, HUFFMAN, HUNT, KOMP, MATTHEWS, NOLAN, READ, G SMITH, THOMPSON, TOMEI

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Enacts Interstate Compact for Agreement Among the States to Elect the President by National Popular Vote.

## A BILL FOR AN ACT

Relating to Agreement Among the States to Elect the President by National Popular Vote.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. The Agreement Among the States to Elect the President by National Popular Vote is hereby enacted into law and entered into on behalf of this state with all other states legally joining in the compact in a form substantially as follows:**

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## ARTICLE I MEMBERSHIP

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

## ARTICLE 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.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 The chief election official of each member state shall designate the presidential slate with  
2 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 ap-  
4 pointment in that official's own state of the elector slate nominated in that state in associ-  
5 ation with the national popular vote winner.

6 At least six days before the day fixed by law for the meeting and voting by the presi-  
7 dential electors, each member state shall make a final determination of the number of pop-  
8 ular votes cast in the state for each presidential slate and shall communicate an official  
9 statement of such determination within 24 hours to the chief election official of each other  
10 member state.

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

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

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

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

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

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31 **ARTICLE IV**  
32 **OTHER PROVISIONS**  
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34 This agreement shall take effect when states cumulatively possessing a majority of the  
35 electoral votes have enacted this agreement in substantially the same form and the  
36 enactments by such states have taken effect in each state.

37 Any member state may withdraw from this agreement, except that a withdrawal occur-  
38 ring six months or less before the end of a President's term shall not become effective until  
39 a President or Vice President shall have been qualified to serve the next term.

40 The chief executive of each member state shall promptly notify the chief executive of all  
41 other states of when this agreement has been enacted and has taken effect in that official's  
42 state, when the state has withdrawn from this agreement, and when this agreement takes  
43 effect generally.

44 This agreement shall terminate if the electoral college is abolished.

45 If any provision of this agreement is held invalid, the remaining provisions shall not be

1 affected.

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3 **ARTICLE V**  
4 **DEFINITIONS**

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6 **For purposes of this agreement,**

7 **“Chief executive” shall mean the Governor of a State of the United States or the Mayor**  
8 **of the District of Columbia;**

9 **“Elector slate” shall mean a slate of candidates who have been nominated in a state for**  
10 **the position of presidential elector in association with a presidential slate;**

11 **“Chief election official” shall mean the state official or body that is authorized to certify**  
12 **the total number of popular votes for each presidential slate;**

13 **“Presidential elector” shall mean an elector for President and Vice President of the**  
14 **United States;**

15 **“Presidential elector certifying official” shall mean the state official or body that is au-**  
16 **thorized to certify the appointment of the state’s presidential electors;**

17 **“Presidential slate” shall mean a slate of two persons, the first of whom has been nomi-**  
18 **nated as a candidate for President of the United States and the second of whom has been**  
19 **nominated as a candidate for Vice President of the United States, or any legal successors to**  
20 **such persons, regardless of whether both names appear on the ballot presented to the voter**  
21 **in a particular state;**

22 **“State” shall mean a State of the United States and the District of Columbia; and**

23 **“Statewide popular election” shall mean a general election in which votes are cast for**  
24 **presidential slates by individual voters and counted on a statewide basis.**

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