

House Bill 2731

Sponsored by Representative CLEM

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 the 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:

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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ARTICLE V
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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