

SECOND REGULAR SESSION

HOUSE BILL NO. 2090

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JOHNSON (47) (Sponsor),
ROORDA AND WAGNER (Co-sponsors).

Read 1st time March 30, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5644L.02I

AN ACT

To amend chapter 128, RSMo, by adding thereto one new section relating to the Agreement
Among the States to Elect the President by National Popular Vote Act.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 128, RSMo, is amended by adding thereto one new section, to be
2 known as section 128.005, to read as follows:

**128.005. 1. This section shall be known and may be cited as the "Interstate
2 Compact on the Agreement Among the States to Elect the President by National Popular
3 Vote Act".**

4 2. The State of Missouri ratifies and approves the following compact:

5
6 Agreement Among the States to Elect the President by National Popular Vote

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8 Article I-Membership

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

12
13 Article II-Right of the People in Member States to Vote for President and Vice
14 President

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended
to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15
16 Each member state shall conduct a statewide popular election for President and
17 Vice President of the United States.

18
19 **Article III-Manner of Appointing Presidential Electors in Member States**
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21 1. Prior to the time set by law for the meeting and voting by the presidential
22 electors, the chief election official of each member state shall determine the number of votes
23 for each presidential slate in each State of the United States and in the District of Columbia
24 in which votes have been cast in a statewide popular election and shall add such votes
25 together to produce a "national popular vote total" for each presidential slate.

26 2. The chief election official of each member state shall designate the presidential
27 slate with the largest national popular vote total as the "national popular vote winner."

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

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

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

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

44 7. If, for any reason, the number of presidential electors nominated in a member
45 state in association with the national popular vote winner is less than or greater than that
46 state's number of electoral votes, the presidential candidate on the presidential slate that
47 has been designated as the national popular vote winner shall have the power to nominate
48 the presidential electors for that state and that state's presidential elector certifying official
49 shall certify the appointment of such nominees. The chief election official of each member

50 state shall immediately release to the public all vote counts or statements of votes as they
51 are determined or obtained.

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

55

56 Article IV-Other Provisions

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58 1. This agreement shall take effect when states cumulatively possessing a majority
59 of the electoral votes have enacted this agreement in substantially the same form and the
60 enactments by such states have taken effect in each state.

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

64 3. The chief executive of each member state shall promptly notify the chief
65 executive of all other states of when this agreement has been enacted and has taken effect
66 in that official's state, when the state has withdrawn from this agreement, and when this
67 agreement takes effect generally.

68 4. This agreement shall terminate if the electoral college is abolished.

69 5. If any provision of this agreement is held invalid, the remaining provisions shall
70 not be affected.

71

72 Article V-Definitions

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74 For purposes of this agreement:

75 1. "Chief executive" shall mean the Governor of a State of the United States or the
76 Mayor of the District of Columbia;

77 2. "Elector slate" shall mean a slate of candidates who have been nominated in a
78 state for the position of presidential elector in association with a presidential slate;

79 3. "Chief election official" shall mean the state official or body that is authorized
80 to certify the total number of popular votes for each presidential slate;

81 4. "Presidential elector" shall mean an elector for President and Vice President of
82 the United States;

83 5. "Presidential elector certifying official" shall mean the state official or body that
84 is authorized to certify the appointment of the state's presidential electors;

85 **6. "Presidential slate" shall mean a slate of two persons, the first of whom has been**
86 **nominated as a candidate for President of the United States and the second of whom has**
87 **been nominated as a candidate for Vice President of the United States, or any legal**
88 **successors to such persons, regardless of whether both names appear on the ballot**
89 **presented to the voter in a particular state;**

90 **7. "State" shall mean a State of the United States and the District of Columbia; and**

91 **8. "Statewide popular election" shall mean a general election in which votes are**
92 **cast for presidential slates by individual voters and counted on a statewide basis.**

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