

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 47

BY RUBEL

AN ACT

1 RELATING TO AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL
2 POPULAR VOTE; AMENDING SECTION 34-1501, IDAHO CODE, TO PROVIDE FOR
3 CERTAIN DUTIES OF THE SECRETARY OF STATE AFTER THE EFFECTIVE DATE OF
4 THE AGREEMENT; AMENDING TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW
5 CHAPTER 16, TITLE 34, IDAHO CODE, TO PROVIDE FOR THE AGREEMENT AMONG THE
6 STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE; AND PROVIDING
7 LEGISLATIVE INTENT.
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Section 34-1501, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 34-1501. CERTIFICATES OF ELECTION. (1) The secretary of state shall
13 prepare lists of the names of the electors of president and vice-president of
14 the United States, elected at any election, procure thereto the signature of
15 the governor, affix the seal of the state to the same, and deliver one (1) of
16 such certificates thus signed to each of said electors on or before the sec-
17 ond Wednesday in December next after such election.

18 (2) When the agreement among the states to elect the president by na-
19 tional popular vote, chapter 16, title 34, Idaho Code, governs the appoint-
20 ment of presidential electors in a particular year, the secretary of state
21 shall prepare lists of the names of the electors of president and vice-presi-
22 dent of the United States as provided for in that agreement, procure thereto
23 the signature of the governor, affix the seal of the state to the same, and
24 deliver one (1) of such certificates thus signed to each of said electors on
25 or before the second Wednesday in December next after such election.

26 SECTION 2. That Title 34, Idaho Code, be, and the same is hereby amended
27 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
28 ter 16, Title 34, Idaho Code, and to read as follows:

29 CHAPTER 16

30 AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE

31 34-1601. AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL
32 POPULAR VOTE. The agreement among the states to elect the president by na-
33 tional popular vote is hereby enacted into law and entered into by this state
34 with all states legally joining therein and in the form substantially as fol-
35 lows:

1 AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE

2 ARTICLE I
3 MEMBERSHIP

4 Any state of the United States and the District of Columbia may become a
5 member of this agreement by enacting this agreement.

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

9 Each member state shall conduct a statewide popular election for presi-
10 dent and vice-president of the United States.

11 ARTICLE III
12 MANNER OF APPOINTING PRESIDENTIAL ELECTORS IN MEMBER STATES

13 (1) Prior to the time set by law for the meeting and voting by the presi-
14 dential electors, the chief election official of each member state shall de-
15 termine the number of votes for each presidential slate in each state of the
16 United States and in the District of Columbia in which votes have been cast in
17 a statewide popular election and shall add such votes together to produce a
18 "national popular vote total" for each presidential slate.

19 (2) The chief election official of each member state shall designate
20 the presidential slate with the largest national popular vote total as the
21 "national popular vote winner."

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

26 (4) At least six (6) days before the day fixed by law for the meeting and
27 voting by the presidential electors, each member state shall make a final de-
28 termination of the number of popular votes cast in the state for each presi-
29 dential slate and shall communicate an official statement of such determi-
30 nation within twenty-four (24) hours to the chief election official of each
31 other member state.

32 (5) The chief election official of each member state shall treat as con-
33 clusive an official statement containing the number of popular votes in a
34 state for each presidential slate made by the day established by federal law
35 for making a state's final determination conclusive as to the counting of
36 electoral votes by congress.

37 (6) In event of a tie for the national popular vote winner, the presi-
38 dential elector certifying official of each member state shall certify the
39 appointment of the elector slate nominated in association with the presi-
40 dential slate receiving the largest number of popular votes within that offi-
41 cial's own state.

42 (7) If, for any reason, the number of presidential electors nominated
43 in a member state in association with the national popular vote winner is
44 less than or greater than that state's number of electoral votes, the pres-

1 idential candidate on the presidential slate that has been designated as the
 2 national popular vote winner shall have the power to nominate the presiden-
 3 tial electors for that state and that state's presidential elector certify-
 4 ing official shall certify the appointment of such nominees.

5 (8) The chief election official of each member state shall immediately
 6 release to the public all vote counts or statements of votes as they are de-
 7 termined or obtained.

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

11 ARTICLE IV
 12 OTHER PROVISIONS

13 (1) This agreement shall take effect when states cumulatively possess-
 14 ing a majority of the electoral votes have enacted this agreement in substan-
 15 tially the same form and the enactments by such states have taken effect in
 16 each state.

17 (2) Any member state may withdraw from this agreement, except that a
 18 withdrawal occurring six (6) months or less before the end of a president's
 19 term shall not become effective until a president or vice-president shall
 20 have been qualified to serve the next term.

21 (3) The chief executive of each member state shall promptly notify the
 22 chief executive of all other states of when this agreement has been enacted
 23 and has taken effect in that official's state, when the state has withdrawn
 24 from this agreement, and when this agreement takes effect generally.

25 (4) This agreement shall terminate if the electoral college is abol-
 26 ished.

27 ARTICLE V
 28 DEFINITIONS

29 For purposes of this agreement:

30 (1) "Chief election official" means the state official or body that is
 31 authorized to certify the total number of popular votes for each presiden-
 32 tial slate. In Idaho the chief election official is the secretary of state.

33 (2) "Chief executive" means the governor of a state of the United States
 34 or the mayor of the District of Columbia.

35 (3) "Elector slate" means a slate of candidates who have been nominated
 36 in a state for the position of presidential elector in association with a
 37 presidential slate.

38 (4) "Presidential elector" means an elector for president and
 39 vice-president of the United States.

40 (5) "Presidential elector certifying official" means the state offi-
 41 cial or body that is authorized to certify the appointment of the state's
 42 presidential electors.

43 (6) "Presidential slate" means a slate of two (2) persons, the first
 44 of whom has been nominated as a candidate for president of the United States
 45 and the second of whom has been nominated as a candidate for vice-president
 46 of the United States, or any legal successors to such persons, regardless of

1 whether both names appear on the ballot presented to the voter in a particu-
2 lar state.

3 (7) "State" means a state of the United States and the District of Co-
4 lumbia.

5 (8) "Statewide popular election" means a general election in which
6 votes are cast for presidential slates by individual voters and counted on a
7 statewide basis.

8 SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature that
9 any provision of Title 34, Idaho Code, that is in conflict with this act after
10 the effective date of this act shall be void.