

# HB0858



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0858

Introduced 2/7/2007, by Rep. Robert S. Molaro

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Agreement Among the States to Elect the President by National Popular Vote Act. Ratifies and approves the Agreement Among the States to Elect the President by National Popular Vote. Provides that the agencies and officers of this State and its subdivisions shall enforce the compact and do all things appropriate to effect its purpose and intent that may be within their respective jurisdictions.

LRB095 04049 HLH 24087 b

A BILL FOR

1 AN ACT concerning interstate compacts.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Agreement Among the States to Elect the President by National  
6 Popular Vote Act.

7 Section 5. Ratification and approval of compact. The State  
8 of Illinois ratifies and approves the following compact:

9 "Agreement Among the States to Elect the President by National  
10 Popular Vote

11 Article I-Membership

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

15 Article II-Right of the People in Member States to Vote for  
16 President and Vice President

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

19 Article III-Manner of Appointing Presidential Electors in  
20 Member States

1           Prior to the time set by law for the meeting and voting by  
2 the presidential electors, the chief election official of each  
3 member state shall determine the number of votes for each  
4 presidential slate in each State of the United States and in  
5 the District of Columbia in which votes have been cast in a  
6 statewide popular election and shall add such votes together to  
7 produce a "national popular vote total" for each presidential  
8 slate.

9           The chief election official of each member state shall  
10 designate the presidential slate with the largest national  
11 popular vote total as the "national popular vote winner."

12           The presidential elector certifying official of each  
13 member state shall certify the appointment in that official's  
14 own state of the elector slate nominated in that state in  
15 association with the national popular vote winner.

16           At least six days before the day fixed by law for the  
17 meeting and voting by the presidential electors, each member  
18 state shall make a final determination of the number of popular  
19 votes cast in the state for each presidential slate and shall  
20 communicate an official statement of such determination within  
21 24 hours to the chief election official of each other member  
22 state.

23           The chief election official of each member state shall  
24 treat as conclusive an official statement containing the number  
25 of popular votes in a state for each presidential slate made by  
26 the day established by federal law for making a state's final

1 determination conclusive as to the counting of electoral votes  
2 by Congress.

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

8 If, for any reason, the number of presidential electors  
9 nominated in a member state in association with the national  
10 popular vote winner is less than or greater than that state's  
11 number of electoral votes, the presidential candidate on the  
12 presidential slate that has been designated as the national  
13 popular vote winner shall have the power to nominate the  
14 presidential electors for that state and that state's  
15 presidential elector certifying official shall certify the  
16 appointment of such nominees.

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

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

#### 24 Article IV-Other Provisions

25 This agreement shall take effect when states cumulatively

1 possessing a majority of the electoral votes have enacted this  
2 agreement in substantially the same form and the enactments by  
3 such states have taken effect in each state.

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

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

14 This agreement shall terminate if the electoral college is  
15 abolished.

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

#### 18 Article V-Definitions

19 For purposes of this agreement, "chief executive" shall  
20 mean the Governor of a State of the United States or the Mayor  
21 of the District of Columbia;

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

25 "chief election official" shall mean the state official or

1 body that is authorized to certify the total number of popular  
2 votes for each presidential slate;

3 "presidential elector" shall mean an elector for President  
4 and Vice President of the United States;

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

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

15 "state" shall mean a State of the United States and the  
16 District of Columbia; and

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

20 Section 10. Enforcement. The agencies and officers of this  
21 State and its subdivisions shall enforce this compact and do  
22 all things appropriate to effect its purpose and intent that  
23 may be within their respective jurisdictions.