

Regular Session, 2011

HOUSE BILL NO. 388

BY REPRESENTATIVES MONICA, ELLINGTON, AND HARRISON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ELECTIONS/PRESIDENTIAL: Makes the state of La. a party to an interstate compact entitled the "Agreement Among the States to Elect the President by National Popular Vote"

1 AN ACT

2 To enact R.S. 18:1266, relative to presidential electors; to enter into an interstate compact
3 titled as the "Agreement Among the States to Elect the President by National Popular
4 Vote" on behalf of the state of Louisiana; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 18:1266 is hereby enacted to read as follows:

7 §1266. "Agreement Among the States to Elect the President by National Popular
8 Vote"; Louisiana participation

9 The "Agreement Among the States to Elect the President by National Popular
10 Vote", the full text of which is set forth in this Section and confirmed by the
11 Louisiana Legislature, is hereby entered into on behalf of the state of Louisiana. The
12 compact shall become effective when states cumulatively possessing a majority of
13 the electoral votes have enacted this interstate compact in substantially the same
14 form and the enactments by such states have taken effect in each state. The full text
15 of said compact is as follows:

1 Agreement Among the States to Elect the President

2 by National Popular Vote

3 Article I--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--Right of the People in Member States to

7 Vote for President and Vice President

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

10 Article III--Manner of Appointing Presidential Electors in Member States

11 Prior to the time set by law for the meeting and voting by the presidential
12 electors, the chief election official of each member state shall determine the number
13 of votes for each presidential slate in each state of the United States and in the
14 District of Columbia in which votes have been cast in a statewide popular election
15 and shall add such votes together to produce a "national popular vote total" for each
16 presidential slate.

17 The chief election official of each member state shall designate the
18 presidential slate with the largest national popular vote total as the "national popular
19 vote winner".

20 The presidential elector certifying official of each member state shall certify
21 the appointment in that official's own state of the elector slate nominated in that state
22 in association with the national popular vote winner.

23 At least six days before the day fixed by law for the meeting and voting by
24 the presidential electors, each member state shall make a final determination of the
25 number of popular votes cast in the state for each presidential slate and shall
26 communicate an official statement of such determination within twenty-four hours
27 to the chief election official of each other member state.

28 The chief election official of each member state shall treat as conclusive an
29 official statement containing the number of popular votes in a state for each

1 presidential slate made by the day established by federal law for making a state's
2 final determination conclusive as to the counting of electoral votes by congress.

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

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

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

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

18 Article IV-Other Provisions

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

22 Any member state may withdraw from this agreement, except that a
23 withdrawal occurring six months or less before the end of a President's term shall not
24 become effective until a president or vice president shall have been qualified to serve
25 the next term.

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

1 This agreement shall terminate if the electoral college is abolished.
 2 If any provision of this agreement is held invalid, the remaining provisions
 3 shall not be affected.

4 Article V-Definitions

5 For purposes of this agreement,
 6 "Chief executive" shall mean the governor of a state of the United States or
 7 the Mayor of the District of Columbia.

8 "Elector slate" shall mean a slate of candidates who have been nominated in
 9 a state for the position of presidential elector in association with a presidential slate.

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

12 "Presidential elector" shall mean an elector for President and Vice President
 13 of the United States.

14 "Presidential elector certifying official" shall mean the state official or body
 15 that is authorized to certify the appointment of the state's presidential electors.

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

21 "State" shall mean a state of the United States and the District of Columbia.

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

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Monica

HB No. 388

Abstract: Makes the state a party to the "Agreement Among the States to Elect the President by National Popular Vote" compact which provides that the presidential electors of each member state are allocated to the national popular vote winner.

Provides that such agreement shall govern the appointment of presidential electors in each member state in any year in which the agreement is in effect on July 20 in states cumulatively possessing a majority of the electoral votes. Provides relative to participation in and withdrawal from the compact and the functions and duties of the chief executive and chief election official in carrying out the provisions of the compact.

Present law, relative to the allocation of presidential electors, provides that a vote for presidential and vice presidential candidates shall be a vote for each of the electors nominated in support of those candidates and provides that the secretary of state ascertain from the returns the slate of candidates who received the greatest number of votes cast for presidential electors. Provides that the governor shall issue a certification of election to the persons elected and authorize them to cast the vote of the state for president and vice president.

Proposed law provides instead for the "Agreement Among the States to Elect the President by National Popular Vote" compact and provides for La. to become a compact member. Provides for the compact to become effective when states cumulatively possessing a majority of the electoral votes have enacted the interstate compact in substantially the same form and the enactments by such states have taken effect in each state.

The agreement (Article I) provides that any state of the U.S. and the District of Columbia may become a member of the compact by enacting it.

The agreement (Article II) requires each member state to conduct a statewide popular election for president and vice president of the U.S.

The agreement (Article III) provides that 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 and the District of Columbia and add such votes together to produce a "national popular vote total" for each presidential slate. Requires the chief election official to designate the presidential slate with the largest national popular vote total as the "national popular vote winner". Requires the presidential elector certifying official of each member state to certify the appointment in that official's own state of the elector slate nominated in that state in association with the national popular vote winner. Provides that at least six days before the day fixed by law for the meeting and voting by the presidential electors, each member state shall make a final determination of the number of popular votes cast in the state for each presidential slate and shall communicate an official statement of such determination within 24 hours to the chief election official of each other member state. Requires the chief election official of each member state to treat as conclusive an official statement containing the number of popular votes in a state for each presidential slate made by the day established by federal law for making a state's final determination conclusive as to the counting of electoral votes by congress. Provides that in the event of a tie for the winner, the presidential elector certifying official of each member state shall certify the appointment of the elector slate nominated in association with the presidential slate receiving the largest number of popular votes within that official's own state. Provides that if, for any reason, the number of presidential electors nominated in a member state in association with the national popular vote winner is less than or greater than that state's number of electoral votes, the presidential candidate on the presidential slate that has been designated as the national popular vote winner shall have the power to nominate the presidential electors for that state and that state's presidential elector certifying official shall certify the appointment of such nominees. Requires the chief election official of each member state to immediately release to the public all vote counts or statements of votes as they are determined or obtained. Provides that the agreement governs the appointment of presidential electors in each member state in any year in which it is in effect in states cumulatively possessing a majority of the electoral votes (on July 20).

The agreement (Article IV) provides that any member state may withdraw from the agreement, except that a withdrawal occurring six months or less before the end of a president's term shall not become effective until a president or vice president has been qualified to serve the next term. Requires the chief executive of each member state to promptly notify the chief executive of all other states when the agreement has been enacted and taken effect in the state, when the state has withdrawn from the agreement, and when the agreement takes effect generally. Provides for the agreement to terminate if the electoral college is abolished. Provides that if any provision of the agreement is held invalid, the remaining provisions shall not be affected.

(Adds R.S. 18:1266)