

SENATE BILL No. 598

May 21, 2009, Introduced by Senators GARCIA and JACOBS and referred to the Committee on Campaign and Election Oversight.

A bill to enter into the interstate compact to elect the president by national popular vote; and for related purposes.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "interstate compact to elect the president by national popular
3 vote".

4 Sec. 3. The interstate compact to elect the president by
5 national popular vote is enacted into law and entered into with all
6 jurisdictions legally joining in the compact, in the form
7 substantially as follows:

8 Agreement Among the States to Elect the President

9 by National Popular Vote

10 ARTICLE I - MEMBERSHIP

11 Any State of the United States and the District of Columbia

1 may become a member of this agreement by enacting this agreement.

2 ARTICLE II - RIGHT OF THE PEOPLE IN MEMBER STATES TO VOTE FOR
3 PRESIDENT AND VICE PRESIDENT

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

6 ARTICLE III - MANNER OF APPOINTING PRESIDENTIAL ELECTORS IN MEMBER
7 STATES

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

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

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

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

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

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

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

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

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

27 ARTICLE IV - OTHER PROVISIONS

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

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

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

20 "chief executive" shall mean the Governor of a State of the
21 United States or the Mayor of the District of Columbia;

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

25 "chief election official" shall mean the state official or
26 body that is authorized to certify the total number of popular
27 votes for each presidential slate;

1 "presidential elector" shall mean an elector for President and
2 Vice President of the United States;

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

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

12 "state" shall mean a State of the United States and the
13 District of Columbia; and

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