A BILL FOR AN ACT

CONCERNING ADOPTION OF AN AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT OF THE UNITED STATES BY NATIONAL POPULAR VOTE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Enacts and enters into with all other states joining therein the agreement among the states to elect the president of the United States by national popular vote (agreement).

Among other provisions:

Permits any state of the United States and the District of Columbia to become members of the agreement by
enacting the agreement.

Requires each member state to conduct a statewide popular election for president and vice president of the United States.

Prior to the time set for the meeting and voting of presidential electors, requires the chief election officer of each member state to determine the number of votes cast for each presidential slate in a statewide popular election and 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. At least 6 days before the day fixed by law for the meeting and voting by the presidential electors, requires each member state to make a final determination of the number of popular votes cast in the state for each presidential slate and to communicate an official statement of the 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.

Specifies that the 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.

Permits a state's withdrawal from the agreement, except for 6 months prior to the end of a president's term through the time when a president and vice president are qualified to serve the next term.

Specifies that the agreement will terminate if the electoral college is abolished.

Provides that the invalidity of any of the agreement's provisions shall not affect the remaining provisions.

Specifies that when the agreement becomes effective, it shall supersede any conflicting provisions of Colorado law.

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Be it enacted by the General Assembly of the State of Colorado:
SECTION 1. Article 60 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 35

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

24-60-3501. Short title. This part 35 shall be known and may be cited as the "Agreement Among the States to Elect the President by National Popular Vote".

24-60-3502. Execution of agreement. The agreement among the states to elect the president by national popular vote is hereby enacted into law and entered into with all jurisdictions legally joining therein, in the form substantially as follows:

ARTICLE I -- MEMBERSHIP

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

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

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

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

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 of the United States and in the District of Columbia in which votes have been cast in a statewide
POPULAR ELECTION AND SHALL ADD SUCH VOTES TOGETHER TO PRODUCE A "NATIONAL POPULAR VOTE TOTAL" FOR EACH PRESIDENTIAL SLATE.

THE CHIEF ELECTION OFFICIAL OF EACH MEMBER STATE SHALL DESIGNATE THE PRESIDENTIAL SLATE WITH THE LARGEST NATIONAL POPULAR VOTE TOTAL AS THE "NATIONAL POPULAR VOTE WINNER."

THE PRESIDENTIAL ELECTOR CERTIFYING OFFICIAL OF EACH MEMBER STATE SHALL 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.

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.

THE CHIEF ELECTION OFFICIAL OF EACH MEMBER STATE SHALL 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.

IN EVENT OF A TIE FOR THE NATIONAL POPULAR VOTE 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.
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.

THE CHIEF ELECTION OFFICIAL OF EACH MEMBER STATE SHALL
IMMEDIATELY RELEASE TO THE PUBLIC ALL VOTE COUNTS OR STATEMENTS
OF VOTES AS THEY ARE DETERMINED OR OBTAINED.

THIS ARTICLE SHALL GOVERN THE APPOINTMENT OF PRESIDENTIAL
ELECTORS IN EACH MEMBER STATE IN ANY YEAR IN WHICH THIS
AGREEMENT IS, ON JULY 20, IN EFFECT IN STATES CUMULATIVELY
POSSESSING A MAJORITY OF THE ELECTORAL VOTES.

ARTICLE IV -- OTHER PROVISIONS

THIS AGREEMENT SHALL TAKE EFFECT WHEN STATES
CUMULATIVELY POSSESSING A MAJORITY OF THE ELECTORAL VOTES HAVE
ENACTED THIS AGREEMENT IN SUBSTANTIALLY THE SAME FORM AND THE
ENACTMENTS BY SUCH STATES HAVE TAKEN EFFECT IN EACH STATE.

ANY MEMBER STATE MAY WITHDRAW FROM THIS 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 SHALL HAVE BEEN QUALIFIED TO SERVE
THE NEXT TERM.

THE CHIEF EXECUTIVE OF EACH MEMBER STATE SHALL PROMPTLY
NOTIFY THE CHIEF EXECUTIVE OF ALL OTHER STATES OF WHEN THIS
AGREEMENT HAS BEEN ENACTED AND HAS TAKEN EFFECT IN THAT
OFFICIAL'S STATE, WHEN THE STATE HAS WITHDRAWN FROM THIS
AGREEMENT, AND WHEN THIS AGREEMENT TAKES EFFECT GENERALLY.

THIS AGREEMENT SHALL TERMINATE IF THE ELECTORAL COLLEGE
IS ABOLISHED.

IF ANY PROVISION OF THIS AGREEMENT IS HELD INVALID, THE
REMAINING PROVISIONS SHALL NOT BE AFFECTED.

ARTICLE V -- DEFINITIONS

FOR PURPOSES OF THIS AGREEMENT,

"CHIEF EXECUTIVE" SHALL MEAN THE GOVERNOR OF A STATE OF
THE UNITED STATES OR THE MAYOR OF THE DISTRICT OF COLUMBIA;

"ELECTOR SLATE" SHALL MEAN A SLATE OF CANDIDATES WHO HAVE
BEEN NOMINATED IN A STATE FOR THE POSITION OF PRESIDENTIAL
ELECTOR IN ASSOCIATION WITH A PRESIDENTIAL SLATE;

"CHIEF ELECTION OFFICIAL" SHALL MEAN THE STATE OFFICIAL OR
BODY THAT IS AUTHORIZED TO CERTIFY THE TOTAL NUMBER OF POPULAR
VOTES FOR EACH PRESIDENTIAL SLATE;

"PRESIDENTIAL ELECTOR" SHALL MEAN AN ELECTOR FOR
PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES;

"PRESIDENTIAL ELECTOR CERTIFYING OFFICIAL" SHALL MEAN THE
STATE OFFICIAL OR BODY THAT IS AUTHORIZED TO CERTIFY THE
APPOINTMENT OF THE STATE'S PRESIDENTIAL ELECTORS;

"PRESIDENTIAL SLATE" SHALL MEAN A SLATE OF TWO PERSONS, THE
FIRST OF WHOM HAS BEEN NOMINATED AS A CANDIDATE FOR PRESIDENT
OF THE UNITED STATES AND THE SECOND OF WHOM HAS BEEN NOMINATED
AS A CANDIDATE FOR VICE PRESIDENT OF THE UNITED STATES, OR ANY
LEGAL SUCCESSORS TO SUCH PERSONS, REGARDLESS OF WHETHER BOTH
NAMES APPEAR ON THE BALLOT PRESENTED TO THE VOTER IN A
PARTICULAR STATE;

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

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

24-60-3503. Conflicting provisions of law. When the
agreement among the states to elect the president by national
popular vote becomes effective as provided in Article IV of the
agreement and governs the appointment of presidential electors
as provided in Article III of the agreement, this Part 35 shall
supercede any conflicting provisions of Colorado law.

SECTION 2. Safety clause. The general assembly hereby finds,
determines, and declares that this act is necessary for the immediate
preservation of the public peace, health, and safety.