State of Minnesota
HOUSE OF REPRESENTATIVES
EIGHTY-SIXTH SESSION

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The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections

A bill for an act
relating to elections; enacting the Agreement Among the States to Elect the
President by National Popular Vote; proposing coding for new law in Minnesota
Statutes, chapter 208.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [208.051] AGREEMENT AMONG THE STATES TO ELECT THE
PRESIDENT BY NATIONAL POPULAR VOTE.

The Agreement Among the States to Elect the President by National Popular Vote is
enacted into law and entered into with all other states legally joining in it in substantially
the following form:

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.