

SENATE BILL No. 261

By Committee on Ways and Means

2-11

9 AN ACT concerning certain elections; enacting the interstate compact
10 on the agreement among the states to elect the president by national
11 popular vote act.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. This act may be cited as the Interstate Compact on the
15 Agreement Among the States to Elect the President by National Popular
16 Vote Act.

ARTICLE I. MEMBERSHIP

17
18 Any State of the United States and the District of Columbia may be-
19 come a member of this agreement by enacting this agreement.

ARTICLE II. RIGHT OF THE PEOPLE IN MEMBER

20 STATES TO VOTE FOR PRESIDENT AND VICE PRESIDENT

21 Each member state shall conduct a statewide popular election for Pres-
22 ident and Vice President of the United States.

ARTICLE III. MANNER OF APPOINTING PRESIDENTIAL 24 ELECTORS IN MEMBER STATES

25
26 1. Prior to the time set by law for the meeting and voting by the
27 presidential electors, the chief election official of each member state shall
28 determine the number of votes for each presidential slate in each State
29 of the United States and in the District of Columbia in which votes have
30 been cast in a statewide popular election and shall add such votes together
31 to produce a "national popular vote total" for each presidential slate.

32 2. The chief election official of each member state shall designate the
33 presidential slate with the largest national popular vote total as the "na-
34 tional popular vote winner."

35 3. The presidential elector certifying official of each member state
36 shall certify the appointment in that official's own state of the elector slate
37 nominated in that state in association with the national popular vote
38 winner.

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

1 member state.

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

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

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

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

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

25 ARTICLE IV. OTHER PROVISIONS

26 1. This agreement shall take effect when states cumulatively possess-
27 ing a majority of the electoral votes have enacted this agreement in sub-
28 stantially the same form and the enactments by such states have taken
29 effect in each state.

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

34 3. The chief executive of each member state shall promptly notify the
35 chief executive of all other states of when this agreement has been en-
36 acted and has taken effect in that official's state, when the state has with-
37 drawn from this agreement, and when this agreement takes effect
38 generally.

39 4. This agreement shall terminate if the electoral college is abolished.

40 5. If any provision of this agreement is held invalid, the remaining
41 provisions shall not be affected.

42 ARTICLE V. DEFINITIONS

43 For purposes of this agreement,

- 1 1. “Chief executive” shall mean the Governor of a State of the United
2 States or the Mayor of the District of Columbia;
- 3 2. “Elector slate” shall mean a slate of candidates who have been
4 nominated in a state for the position of presidential elector in association
5 with a presidential slate;
- 6 3. “Chief election official” shall mean the state official or body that
7 is authorized to certify the total number of popular votes for each presi-
8 dential slate;
- 9 4. “Presidential elector” shall mean an elector for President and Vice
10 President of the United States;
- 11 5. “Presidential elector certifying official” shall mean the state official
12 or body that is authorized to certify the appointment of the state’s presi-
13 dential electors;
- 14 6. “Presidential slate” shall mean a slate of two persons, the first of
15 whom has been nominated as a candidate for President of the United
16 States and the second of whom has been nominated as a candidate for
17 Vice President of the United States, or any legal successors to such per-
18 sons, regardless of whether both names appear on the ballot presented
19 to the voter in a particular state;
- 20 7. “State” shall mean a State of the United States and the District of
21 Columbia; and
- 22 8. “Statewide popular election” shall mean a general election in
23 which votes are cast for presidential slates by individual voters and
24 counted on a statewide basis.
- 25 Sec. 2. This act shall take effect and be in force from and after its
26 publication in the statute book.