

By Senator Hill

1-00613-09

2009518\_\_

1                   A bill to be entitled  
2           An act relating to presidential elections; defining  
3           terms; establishing the Agreement Among the States to  
4           Elect the President by National Popular Vote;  
5           providing legislative intent; providing a method by  
6           which any state may become a member state; requiring a  
7           statewide popular election for President and Vice  
8           President of the United States; establishing a  
9           procedure for appointing presidential electors in  
10          member states; providing that the agreement becomes  
11          effective upon the occurrence of specified actions;  
12          providing for the withdrawal of a member state;  
13          requiring notification of member states when the  
14          agreement takes effect in a previously nonmember state  
15          or when a member state withdraws from the agreement;  
16          providing for severability; providing an effective  
17          date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21           Section 1. The Agreement Among the States to Elect the  
22 President by National Popular Vote.—The Agreement Among the  
23 States to Elect the President by National Popular Vote is  
24 enacted into law and entered into by this state with all states  
25 legally joining therein in the form substantially as follows:

26  
27                   Article I

28           DEFINITIONS.—For purposes of this agreement:

29           (1) "Chief election official" means the state official or

1-00613-09

2009518

30 body that is authorized to certify the total number of popular  
31 votes for each presidential slate.

32 (2) "Chief executive" means the Governor of a state of the  
33 United States or the Mayor of the District of Columbia.

34 (3) "Elector slate" means a slate of candidates who have  
35 been nominated in a state for the position of presidential  
36 elector in association with a presidential slate.

37 (4) "Presidential elector" means an elector for President  
38 and Vice President of the United States.

39 (5) "Presidential elector certifying official" means the  
40 state official or body authorized to certify the appointment of  
41 the state's presidential electors.

42 (6) "Presidential slate" means a slate of two persons, the  
43 first of whom has been nominated as a candidate for President of  
44 the United States and the second of whom has been nominated as a  
45 candidate for Vice President of the United States, or any legal  
46 successors to such persons, regardless of whether both names  
47 appear on the ballot presented to the voter in a particular  
48 state.

49 (7) "State" means a state of the United States or the  
50 District of Columbia.

51 (8) "Statewide popular election" means a general election  
52 in which votes are cast for presidential slates by individual  
53 voters and counted on a statewide basis.

## 54 Article II

55 MEMBERSHIP.—Any state of the United States or the District  
56 of Columbia may become a member of the league of states  
57 officially supporting this agreement by enacting this agreement.  
58

1-00613-09

2009518\_\_

59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87Article III

RIGHT OF THE PEOPLE IN MEMBER STATES TO VOTE FOR THE PRESIDENT AND THE VICE PRESIDENT.—Each member state shall conduct a statewide popular election for President and Vice President of the United States.

Article IV

MANNER OF APPOINTING PRESIDENTIAL ELECTORS IN MEMBER STATES.—

(1) Before the time set by law for the meeting of and voting by the presidential electors, the chief election official of each member state shall determine the number of votes cast in a statewide popular election for each presidential slate in each state of the United States and in the District of Columbia and shall add the total number of votes from each state to produce a national popular vote total for each presidential slate.

(2) The chief election official of each member state shall designate the presidential slate having the largest national popular vote total as the national popular vote winner.

(3) The presidential elector certifying official of each member state shall certify the appointment in that official's respective state of the elector slate nominated by that state in association with the national popular vote winner.

(4) At least 6 days before the day established by law for the meeting of 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

1-00613-09

2009518

88 within 24 hours to the chief election official of each other  
89 member state.

90 (5) The chief election official of each member state shall  
91 treat as conclusive an official statement containing the number  
92 of popular votes in a state for each presidential slate made by  
93 the day established by federal law for making a state's final  
94 determination conclusive as to the counting of electoral votes  
95 by Congress.

96 (6) If the election results in a tie for the national  
97 popular vote winner, the presidential elector certifying  
98 official of each member state shall certify the appointment of  
99 the elector slate nominated in association with the presidential  
100 slate receiving the largest number of popular votes within that  
101 official's respective state.

102 (7) If, for any reason, the number of presidential electors  
103 nominated in a member state in association with the national  
104 popular vote winner is fewer than or greater than that state's  
105 number of electoral votes, the presidential candidate on the  
106 presidential slate who has been designated as the national  
107 popular vote winner may nominate the presidential electors for  
108 that state, and that state's presidential elector certifying  
109 official shall certify the appointment of such nominees.

110 (8) The chief election official of each member state shall  
111 immediately release to the public all vote counts or statements  
112 of votes as they are determined or obtained.

113 (9) This article shall govern the appointment of  
114 presidential electors in each member state in any year in which  
115 this agreement is, on July 20, in effect in states cumulatively  
116 possessing a majority of the electoral votes.

1-00613-09

2009518\_\_

117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138Article VOTHER PROVISIONS.-

(1) 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.

(2) Any member state may withdraw from this agreement, except that a withdrawal occurring 6 months or less before the end of a President's term does not become effective until a President or Vice President has been qualified to serve the next term.

(3) The chief executive of each member state shall promptly notify the chief executive of all other states when this agreement has been enacted and has taken effect in that official's state, or when the state has withdrawn from this agreement.

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

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

Section 2. This act shall take effect upon becoming a law.