

By Senator Hill

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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 nonmember state or when a
15 member state withdraws from the agreement; providing
16 for severability; providing an effective date.

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

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

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26 Article I

27 DEFINITIONS.—For purposes of this agreement:

28 (1) "Chief election official" means the state official or
29 body authorized to certify the total number of popular votes for

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30 each presidential slate.

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

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

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

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

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

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

50 (8) "Statewide popular election" means a general election
51 in which votes are cast for presidential slates by individual
52 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.

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59 Article III

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

64

65 Article IV

66 MANNER OF APPOINTING PRESIDENTIAL ELECTORS IN MEMBER
67 STATES.—

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

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

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

82 (4) At least 6 days before the day established by law for
83 the meeting of and voting by the presidential electors, each
84 member state shall make a final determination of the number of
85 popular votes cast in the state for each presidential slate and
86 shall communicate an official statement of such determination
87 within 24 hours to the chief election official of each other

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88 member state.

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

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

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

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

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

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Article 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.