

By Senator Torres

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

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

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

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30 this agreement.

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32 Article II

33 Right of the people in member states to vote for President
34 and Vice President.—Each member state shall conduct a statewide
35 popular election for President and Vice President of the United
36 States.

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38 Article III

39 Manner of appointing presidential electors in member
40 states.—Prior to the time set by law for the meeting and voting
41 by the presidential electors, the chief election official of
42 each member state shall determine the number of votes for each
43 presidential slate in each state of the United States and in the
44 District of Columbia in which votes have been cast in a
45 statewide popular election and shall add such votes together to
46 produce a “national popular vote total” for each presidential
47 slate.

48 The chief election official of each member state shall
49 designate the presidential slate with the largest national
50 popular vote total as the “national popular vote winner.”

51 The presidential elector certifying official of each member
52 state shall certify the appointment in that official’s own state
53 of the elector slate nominated in that state in association with
54 the national popular vote winner.

55 At least 6 days before the day fixed by law for the meeting
56 and voting by the presidential electors, each member state shall
57 make a final determination of the number of popular votes cast
58 in the state for each presidential slate and shall communicate

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59 an official statement of such determination within 24 hours to
60 the chief election official of each other member state.

61 The chief election official of each member state shall
62 treat as conclusive an official statement containing the number
63 of popular votes in a state for each presidential slate made by
64 the day established by federal law for making a state's final
65 determination conclusive as to the counting of electoral votes
66 by Congress.

67 In the event of a tie for the national popular vote winner,
68 the presidential elector certifying official of each member
69 state shall certify the appointment of the elector slate
70 nominated in association with the presidential slate receiving
71 the largest number of popular votes within that official's own
72 state.

73 If, for any reason, the number of presidential electors
74 nominated in a member state in association with the national
75 popular vote winner is less than or greater than that state's
76 number of electoral votes, the presidential candidate on the
77 presidential slate that has been designated as the national
78 popular vote winner shall have the power to nominate the
79 presidential electors for that state and that state's
80 presidential elector certifying official shall certify the
81 appointment of such nominees.

82 The chief election official of each member state shall
83 immediately release to the public all vote counts or statements
84 of votes as they are determined or obtained.

85 This article governs the appointment of presidential
86 electors in each member state in any year in which this
87 agreement is in effect, on July 20, in states cumulatively

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88 possessing a majority of the electoral votes.

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Article IV

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92 Other provisions.—This agreement shall take effect when

93 states cumulatively possessing a majority of the electoral votes

94 have enacted this agreement in substantially the same form and

95 the enactments by such states have taken effect in each state.

96 Any member state may withdraw from this agreement, except

97 that a withdrawal occurring 6 months or less before the end of a

98 President's term does not become effective until a President or

99 Vice President has been qualified to serve the next term.

100 The chief executive of each member state shall promptly

101 notify the chief executive of all other states when this

102 agreement has been enacted and has taken effect in that

103 official's state, when the state has withdrawn from this

104 agreement, and when this agreement takes effect generally.

105 This agreement shall terminate if the electoral college is

106 abolished.

107 If any provision of this agreement is held invalid, the

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Article V

110 Definitions.—For purposes of this agreement, the term:

111 "Chief election official" means the state official or body

112 that is authorized to certify the total number of popular votes

113 for each presidential slate.

114 "Chief executive" means the Governor of a state of the

115 United States or the Mayor of the District of Columbia.

116 "Elector slate" means a slate of candidates who have been

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117 nominated in a state for the position of presidential elector in
118 association with a presidential slate.

119 "Presidential elector" means an elector for President and
120 Vice President of the United States.

121 "Presidential elector certifying official" means the state
122 official or body that is authorized to certify the appointment
123 of the state's presidential electors.

124 "Presidential slate" means a slate of two persons, the
125 first of whom has been nominated as a candidate for President of
126 the United States and the second of whom has been nominated as a
127 candidate for Vice President of the United States, or any legal
128 successors to such persons, regardless of whether both names
129 appear on the ballot presented to the voter in a particular
130 state.

131 "State" means a state of the United States and the District
132 of Columbia.

133 "Statewide popular election" means a general election in
134 which votes are cast for presidential slates by individual
135 voters and counted on a statewide basis.

136 Section 2. This act shall take effect July 1, 2024.