

HB5777



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB5777

Introduced 03/30/06, by Rep. Robert S. Molaro - Jim Durkin

SYNOPSIS AS INTRODUCED:

New Act

Creates the Agreement Among the States to Elect the President by National Popular Vote Act. Ratifies and approves the Agreement Among the States to Elect the President by National Popular Vote. Provides that the agencies and officers of this State and its subdivisions shall enforce the compact and do all things appropriate to effect its purpose and intent that may be within their respective jurisdictions.

LRB094 20029 BDD 57559 b

A BILL FOR

1 AN ACT concerning interstate compacts.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Agreement Among the States to Elect the President by National
6 Popular Vote Act.

7 Section 5. Ratification and approval of compact. The State
8 of Illinois ratifies and approves the following compact:

9 "Agreement Among the States to Elect the President by National
10 Popular Vote

11 Article I-Membership

12 Any State of the United States and the District of Columbia
13 may become a member of this agreement by enacting this
14 agreement.

15 Article II-Right of the People in Member States to Vote for
16 President and Vice President

17 Each member state shall conduct a statewide popular
18 election for President and Vice President of the United States.

19 Article III-Manner of Appointing Presidential Electors in
20 Member States

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

29 The chief election official of each member state shall

1 designate the presidential slate with the largest national
2 popular vote total as the "national popular vote winner."

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

7 At least six days before the day fixed by law for the
8 meeting and voting by the presidential electors, each member
9 state shall make a final determination of the number of popular
10 votes cast in the state for each presidential slate and shall
11 communicate an official statement of such determination within
12 24 hours to the chief election official of each other member
13 state.

14 The chief election official of each member state shall
15 treat as conclusive an official statement containing the number
16 of popular votes in a state for each presidential slate made by
17 the day established by federal law for making a state's final
18 determination conclusive as to the counting of electoral votes
19 by Congress.

20 In event of a tie for the national popular vote winner, the
21 presidential elector certifying official of each member state
22 shall certify the appointment of the elector slate nominated in
23 association with the presidential slate receiving the largest
24 number of popular votes within that official's own state.

25 If, for any reason, the number of presidential electors
26 nominated in a member state in association with the national
27 popular vote winner is less than or greater than that state's
28 number of electoral votes, the presidential candidate on the
29 presidential slate that has been designated as the national
30 popular vote winner shall have the power to nominate the
31 presidential electors for that state and that state's
32 presidential elector certifying official shall certify the
33 appointment of such nominees.

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

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

5 Article IV-Other Provisions

6 This agreement shall take effect when states cumulatively
7 possessing a majority of the electoral votes have enacted this
8 agreement in substantially the same form and the enactments by
9 such states have taken effect in each state.

10 Any member state may withdraw from this agreement, except
11 that a withdrawal occurring six months or less before the end
12 of a President's term shall not become effective until a
13 President or Vice President shall have been qualified to serve
14 the next term.

15 The chief executive of each member state shall promptly
16 notify the chief executive of all other states of when this
17 agreement has been enacted and has taken effect in that
18 official's state, when the state has withdrawn from this
19 agreement, and when this agreement takes effect generally.

20 This agreement shall terminate if the electoral college is
21 abolished.

22 If any provision of this agreement is held invalid, the
23 remaining provisions shall not be affected.

24 Article V-Definitions

25 For purposes of this agreement, "chief executive" shall
26 mean the Governor of a State of the United States or the Mayor
27 of the District of Columbia;

28 "elector slate" shall mean a slate of candidates who have
29 been nominated in a state for the position of presidential
30 elector in association with a presidential slate;

31 "chief election official" shall mean the state official or
32 body that is authorized to certify the total number of popular
33 votes for each presidential slate;

34 "presidential elector" shall mean an elector for President

1 and Vice President of the United States;

2 "presidential elector certifying official" shall mean the
3 state official or body that is authorized to certify the
4 appointment of the state's presidential electors;

5 "presidential slate" shall mean a slate of two persons, the
6 first of whom has been nominated as a candidate for President
7 of the United States and the second of whom has been nominated
8 as a candidate for Vice President of the United States, or any
9 legal successors to such persons, regardless of whether both
10 names appear on the ballot presented to the voter in a
11 particular state;

12 "state" shall mean a State of the United States and the
13 District of Columbia; and

14 "statewide popular election" shall mean a general election
15 in which votes are cast for presidential slates by individual
16 voters and counted on a statewide basis."

17 Section 10. Enforcement. The agencies and officers of this
18 State and its subdivisions shall enforce this compact and do
19 all things appropriate to effect its purpose and intent that
20 may be within their respective jurisdictions.