

HOUSE BILL NO. HB0163

Popular vote compact.

Sponsored by: Representative(s) Diercks

A BILL

for

1 AN ACT relating to elections; authorizing the governor to
2 enter into the interstate compact for the election of the
3 president of the United States by national popular vote;
4 requiring each member state to conduct a statewide popular
5 election for president and vice president; providing
6 procedures for presidential electors; providing
7 definitions; and providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 22-30-101 through 22-30-103 are
12 created to read:

13

14

CHAPTER 30

15

COMPACT FOR THE ELECTION OF THE PRESIDENT OF THE UNITED

16

STATES BY NATIONAL POPULAR VOTE

17

1 **22-30-101. Short title.**

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3 This chapter shall be known and may be cited as the
4 "Interstate Compact For The Election Of The President Of
5 The United States By National Popular Vote".

6

7 **22-30-102. Execution of compact.**

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9 The legislature hereby approves and the governor is
10 authorized to enter into an interstate compact on behalf of
11 this state with any other state or states legally joining
12 therein in the form substantially as follows:

13

14 Article 1

15 Membership

16

17 Any state of the United States and the District of Columbia
18 may become a member of the compact by enacting the compact.

19

20 Article 2

21 Right Of The People In Member States To Vote For President
22 And Vice President

23

1 Each member state shall conduct a statewide popular
2 election for president and vice president of the United
3 States.

4

5 Article 3

6 Manner Of Appointing Presidential Electors In Member States

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8 (a) Prior to the time set by law for the meeting and
9 voting by the presidential electors, the chief election
10 official of each member state shall determine the number of
11 votes for each presidential slate in each state of the
12 United States and in the District of Columbia in which
13 votes have been cast in a statewide popular election and
14 shall add such votes together to produce a "national
15 popular vote total" for each presidential slate.

16

17 (b) The chief election official of each member state
18 shall designate the presidential slate with the largest
19 national popular vote total as the "national popular vote
20 winner".

21

22 (c) The presidential elector certifying official of
23 each member state shall certify the appointment in that

1 official's own state of the elector slate nominated in that
2 state in association with the national popular vote winner.

3

4 (d) At least six (6) days before the day fixed by law
5 for the meeting and voting by the presidential electors,
6 each member state shall make a final determination of the
7 number of popular votes cast in the state for each
8 presidential slate and shall communicate an official
9 statement of such determination within twenty-four (24)
10 hours to the chief election official of each other member
11 state.

12

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

19

20 (f) In event of a tie for the national popular vote
21 winner, the presidential elector certifying official of
22 each member state shall certify the appointment of the
23 elector slate nominated in association with the

1 presidential slate receiving the largest number of popular
2 votes within that official's own state.

3
4 (g) If, for any reason, the number of presidential
5 electors nominated in a member state in association with
6 the national popular vote winner is less than or greater
7 than that state's number of electoral votes, the
8 presidential candidate on the presidential slate that has
9 been designated as the national popular vote winner shall
10 have the power to nominate the presidential electors for
11 that state and that state's presidential elector certifying
12 official shall certify the appointment of such nominees.

13
14 (h) The chief election official of each member state
15 shall immediately release to the public all vote counts or
16 statements of votes as they are determined or obtained.

17
18 (j) This article shall govern the appointment of
19 presidential electors in each member state in any year in
20 which this compact is, on July 20, in effect in states
21 cumulatively possessing a majority of the electoral votes.

22

23 Article 4

24 Other Provisions

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2 (a) This compact shall take effect when states
3 cumulatively possessing a majority of the electoral votes
4 have enacted this compact in substantially the same form
5 and the enactments by such states have taken effect in each
6 state.

7

8 (b) Any member state may withdraw from this compact,
9 except that a withdrawal occurring six (6) months or less
10 before the end of a president's term shall not become
11 effective until a president or vice president shall have
12 been qualified to serve the next term.

13

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

19

20 (d) This compact shall terminate if the electoral
21 college is abolished.

22

23 (e) If any provision of this compact is held invalid,
24 the remaining provisions shall not be affected.

1

2

Article 5

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Definitions

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(a) For purposes of this compact:

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(i) "Chief executive" means the governor of a state of the United States or the mayor of the District of Columbia;

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(ii) "Elector slate" means a slate of candidates who have been nominated in a state for the position of presidential elector in association with a presidential slate;

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(iii) "Chief election official" means the state official or body that is authorized to certify the total number of popular votes for each presidential slate;

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(iv) "Presidential elector" means an elector for president and vice president of the United States;

22

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24

(v) "Presidential elector certifying official" means the state official or body that is authorized to

1 certify the appointment of the state's presidential
2 electors;

3

4 (vi) "Presidential slate" means a slate of two
5 (2) persons, the first of whom has been nominated as a
6 candidate for president of the United States and the second
7 of whom has been nominated as a candidate for vice
8 president of the United States, or any legal successors to
9 such persons, regardless of whether both names appear on
10 the ballot presented to the voter in a particular state;

11

12 (vii) "State" means a state of the United States
13 and the District of Columbia;

14

15 (viii) "Statewide popular election" means a
16 general election in which votes are cast for presidential
17 slates by individual voters and counted on a statewide
18 basis.

19

20 **22-30-103. Conflicting provisions of law.**

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22 When the compact for the election of the president of the
23 United States by national popular vote becomes effective as

1 provided in article 4 of the compact, this chapter shall
2 supersede any conflicting provisions of Wyoming law.

3

4 **Section 2.** This act is effective July 1, 2008.

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(END)