

HOUSE BILL NO. 1336

Introduced by

Representatives Hawken, DeKrey, Delmore

Senators Fischer, Heitkamp, O'Connell

1 A BILL for an Act to adopt the agreement among the states to elect the President by national
2 popular vote.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. Agreement among the states to elect the President by national**
5 **popular vote.** This agreement among the states to elect the President by national popular vote
6 is entered with all jurisdictions legally joining in the form substantially as follows:

7 **Article I. Membership**

8 Any state of the United States and the District of Columbia may become a member of
9 this agreement by enacting this agreement.

10 **Article II. Right of the People in Member States to Vote**

11 **for President and Vice President**

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

14 **Article III. Manner of Appointing Presidential Electors in**

15 **Member States**

16 Prior to the time set by law for the meeting and voting by the presidential electors, the
17 chief election official of each member state shall determine the number of votes for each
18 presidential slate in each state of the United States and in the District of Columbia in which
19 votes have been cast in a statewide popular election and shall add such votes together to
20 produce a "national popular vote total" for each presidential slate.

21 The chief election official of each member state shall designate the presidential slate
22 with the largest national popular vote total as the "national popular vote winner".

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

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

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

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

17 If, for any reason, the number of presidential electors nominated in a member state in
18 association with the national popular vote winner is less than or greater than that state's
19 number of electoral votes, the presidential candidate on the presidential slate that has been
20 designated as the national popular vote winner shall have the power to nominate the
21 presidential electors for that state and that state's presidential elector certifying official shall
22 certify the appointment of such nominees.

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

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

28 **Article IV. Other Provisions**

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

