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SENATE BILL 413

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Howie C. Morales

AN ACT

RELATING TO ELECTIONS; ENACTING THE AGREEMENT AMONG THE STATES
TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. COMPACT ENACTED AND ENTERED INTO.--The
"Agreement Among the States to Elect the President by National
Popular Vote" is enacted into law and entered into on behalf of
New Mexico with any and all other states legally joining
therein in a form substantially as follows:

"AGREEMENT AMONG THE STATES TO ELECT THE
PRESIDENT BY NATIONAL POPULAR VOTE

Article I. Membership.

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

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1 Article II. Right of the People in Member States to
2 Vote for President and Vice President.

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

5 Article III. Manner of Appointing Presidential Electors in
6 Member States.

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

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

18 The presidential elector certifying official of each
19 member state shall certify the appointment in that official's
20 own state of the elector slate nominated in that state in
21 association with the national popular vote winner.

22 At least six days before the day fixed by law for the
23 meeting and voting by the presidential electors, each member
24 state shall make a final determination of the number of popular
25 votes cast in the state for each presidential slate and shall

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1 communicate an official statement of such determination within
2 24 hours to the chief election official of each other member
3 state.

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

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

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

25 The chief election official of each member state shall

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1 immediately release to the public all vote counts or statements
2 of votes as they are determined or obtained.

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

7 Article IV. Other Provisions.

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

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

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

22 This agreement shall terminate if the electoral college is
23 abolished.

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

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Article V. Definitions.

For purposes of this agreement:

"chief executive" shall mean the Governor of a State of the United States or the Mayor of the District of Columbia;

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

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

"presidential elector" shall mean an elector for President and Vice President of the United States;

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

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

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

"statewide popular election" shall mean a general election

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1 in which votes are cast for presidential slates by individual
2 voters and counted on a statewide basis."

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