

House Study Bill 98

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON MASCHER)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to an agreement among the states to elect the
2 president by national popular vote and providing an effective
3 date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1749HC 83
6 sc/nh/14

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1 1 Section 1. Section 50.45, Code 2009, is amended to read as
1 2 follows:
1 3 50.45 CANVASS PUBLIC == RESULT DETERMINED.
1 4 1. All canvasses of tally lists shall be public, and the
1 5 persons having the greatest number of votes shall be declared
1 6 elected, except that in any year in which the appointment of
1 7 presidential electors is governed by the national popular vote
1 8 compact set forth in section 54.10, the persons that shall be
1 9 declared elected to the position of presidential elector shall
1 10 be the persons specified in the national popular vote compact.
1 11 2. When a public measure has been submitted to the
1 12 electors, the proposition shall be declared to have been
1 13 adopted if the vote cast in favor of the question is greater
1 14 than fifty percent of the total vote cast in favor and against
1 15 the question, unless laws pertaining specifically to the
1 16 public measure election establish a higher percentage of a
1 17 favorable vote. All ballots cast and not counted as a vote in
1 18 favor or against the proposition shall not be used in
1 19 computing the total vote cast in favor and against the
1 20 proposition.
1 21 Sec. 2. NEW SECTION. 54.10 AGREEMENT AMONG THE STATES TO
1 22 ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE.
1 23 The agreement among the states to elect the president by
1 24 national popular vote may be cited as the "National Popular
1 25 Vote Compact". The national popular vote compact is entered
1 26 into and enacted into law with each other state that has
1 27 enacted the compact in substantially the following form:
1 28 1. ARTICLE I == MEMBERSHIP. Any state of the United
1 29 States and the District of Columbia may become a member of
1 30 this agreement by enacting this agreement.
1 31 2. ARTICLE II == RIGHT OF THE PEOPLE IN MEMBER STATES TO
1 32 VOTE FOR PRESIDENT AND VICE PRESIDENT. Each member state
1 33 shall conduct a statewide popular election for president and
1 34 vice president of the United States.
1 35 3. ARTICLE III == MANNER OF APPOINTING PRESIDENTIAL
2 1 ELECTORS IN MEMBER STATES.
2 2 a. Prior to the time set by law for the meeting and voting
2 3 by the presidential electors, the chief election official of
2 4 each member state shall determine the number of votes for each
2 5 presidential slate in each state of the United States and in
2 6 the District of Columbia in which votes have been cast in a
2 7 statewide popular election and shall add such votes together
2 8 to produce a "national popular vote total" for each
2 9 presidential slate.
2 10 b. The chief election official of each member state shall
2 11 designate the presidential slate with the largest national
2 12 popular vote total as the "national popular vote winner".
2 13 c. The presidential elector certifying official of each
2 14 member state shall certify the appointment in that official's
2 15 own state of the elector slate nominated in that state in
2 16 association with the national popular vote winner.
2 17 d. At least six days before the day fixed by law for the

2 18 meeting and voting by the presidential electors, each member
2 19 state shall make a final determination of the number of
2 20 popular votes cast in the state for each presidential slate
2 21 and shall communicate an official statement of such
2 22 determination within twenty-four hours to the chief election
2 23 official of each other member state.
2 24 e. The chief election official of each member state shall
2 25 treat as conclusive an official statement containing the
2 26 number of popular votes in a state for each presidential slate
2 27 made by the day established by federal law for making a
2 28 state's final determination conclusive as to the counting of
2 29 electoral votes by Congress.
2 30 f. In event of a tie for the national popular vote winner,
2 31 the presidential elector certifying official of each member
2 32 state shall certify the appointment of the elector slate
2 33 nominated in association with the presidential slate receiving
2 34 the largest number of popular votes within that official's own
2 35 state.

3 1 g. If, for any reason, the number of presidential electors
3 2 nominated in a member state in association with the national
3 3 popular vote winner is less than or greater than that state's
3 4 number of electoral votes, the presidential candidate on the
3 5 presidential slate that has been designated as the national
3 6 popular vote winner shall have the power to nominate the
3 7 presidential electors for that state and that state's
3 8 presidential elector certifying official shall certify the
3 9 appointment of such nominees.

3 10 h. The chief election official of each member state shall
3 11 immediately release to the public all vote counts or
3 12 statements of votes as they are determined or obtained.

3 13 i. This article shall govern the appointment of
3 14 presidential electors in each member state in any year in
3 15 which this agreement is, on July 20, in effect in states
3 16 cumulatively possessing a majority of the electoral votes.

3 17 4. ARTICLE IV == OTHER PROVISIONS.

3 18 a. This agreement shall take effect when states
3 19 cumulatively possessing a majority of the electoral votes have
3 20 enacted this agreement in substantially the same form and the
3 21 enactments by such states have taken effect in each state.

3 22 b. Any member state may withdraw from this agreement,
3 23 except that a withdrawal occurring six months or less before
3 24 the end of a president's term shall not become effective until
3 25 a president or vice president shall have been qualified to
3 26 serve the next term.

3 27 c. The chief executive of each member state shall promptly
3 28 notify the chief executives of all other states of when this
3 29 agreement has been enacted and has taken effect in that
3 30 official's state, when the state has withdrawn from this
3 31 agreement, and when this agreement takes effect generally.

3 32 d. This agreement shall terminate if the electoral college
3 33 is abolished.

3 34 e. If any provision of this agreement is held invalid, the
3 35 remaining provisions shall not be affected.

4 1 5. ARTICLE V == DEFINITIONS. For purposes of this 4 2 agreement:

4 3 a. "Chief election official" shall mean the state official
4 4 or body that is authorized to certify the total number of
4 5 popular votes for each presidential slate.

4 6 b. "Chief executive" shall mean the governor of a state of
4 7 the United States or the mayor of the District of Columbia.

4 8 c. "Elector slate" shall mean a slate of candidates who
4 9 have been nominated in a state for the position of
4 10 presidential elector in association with a presidential slate.

4 11 d. "Presidential elector" shall mean an elector for
4 12 president and vice president of the United States.

4 13 e. "Presidential elector certifying official" shall mean
4 14 the state official or body that is authorized to certify the
4 15 appointment of the state's presidential electors.

4 16 f. "Presidential slate" shall mean a slate of two persons,
4 17 the first of whom has been nominated as a candidate for
4 18 president of the United States and the second of whom has been
4 19 nominated as a candidate for vice president of the United
4 20 States, or any legal successors to such persons, regardless of
4 21 whether both names appear on the ballot presented to the voter
4 22 in a particular state.

4 23 g. "State" shall mean a state of the United States and the
4 24 District of Columbia.

4 25 h. "Statewide popular election" shall mean a general
4 26 election in which votes are cast for presidential slates by
4 27 individual voters and counted on a statewide basis.

4 28 EXPLANATION

4 29 This bill creates a compact for the state of Iowa whereby
4 30 the state agrees to certify its electors for president of the
4 31 United States based on the national popular vote for
4 32 president, rather than on the popular vote for president
4 33 within the state. The agreement is cited in the bill as the
4 34 "National Popular Vote Compact". To take effect, the compact
4 35 must be enacted by any number of states whose electoral votes,
5 1 in the aggregate, constitute a majority of the entire number
5 2 of electoral votes nationally. The compact provides that any
5 3 member state may withdraw from the compact. However, if a
5 4 withdrawal occurs six months or less before the end of a
5 5 president's term, the withdrawal shall not take effect until a
5 6 president has qualified to serve the next term.
5 7 LSB 1749HC 83
5 8 sc/nh/14