

# Senate Study Bill 1128

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL  
BY CHAIRPERSON APPEL)

Passed Senate, Date \_\_\_\_\_ Passed House, 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 1749XC 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 1749XC 83  
5 8 sc/nh/14