

HOUSE BILL NO. 5343

September 28, 2021, Introduced by Rep. Koleszar and referred to the Committee on Government Operations.

A bill to enter into the agreement among the states to elect the president by national popular vote; and for related purposes.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "agreement among the
2 states to elect the president by national popular vote".

3 Sec. 2. It is the public policy of this state that the one-
4 person, one-vote principle requires that the candidate who receives
5 the most votes nationwide should become president.

6 Sec. 3. The agreement among the states to elect the president

1 by national popular vote is enacted into law and entered into with
 2 all jurisdictions legally joining in the agreement, in the form
 3 substantially as follows:

4 Agreement Among the States to Elect the President

5 by National Popular Vote

6 ARTICLE I - MEMBERSHIP

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

9 ARTICLE II - RIGHT OF THE PEOPLE IN MEMBER STATES TO VOTE FOR
 10 PRESIDENT AND VICE PRESIDENT

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

13 ARTICLE III - MANNER OF APPOINTING PRESIDENTIAL ELECTORS IN MEMBER
 14 STATES

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

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

25 The presidential elector certifying official of each member
 26 state shall certify the appointment in that official's own state of
 27 the elector slate nominated in that state in association with the
 28 national popular vote winner.

29 At least six days before the day fixed by law for the meeting

1 and voting by the presidential electors, each member state shall
2 make a final determination of the number of popular votes cast in
3 the state for each presidential slate and shall communicate an
4 official statement of such determination within 24 hours to the
5 chief election official of each other member state.

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

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

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

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

28 This article shall govern the appointment of presidential
29 electors in each member state in any year in which this agreement

1 is, on July 20, in effect in states cumulatively possessing a
2 majority of the electoral votes.

3 ARTICLE IV - OTHER PROVISIONS

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

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

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

17 This agreement shall terminate if the electoral college is
18 abolished.

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

21 ARTICLE V - DEFINITIONS

22 For purposes of this agreement,

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

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

28 "chief election official" shall mean the state official or
29 body that is authorized to certify the total number of popular

1 votes for each presidential slate;

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

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

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

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

15 "statewide popular election" shall mean a general election in
16 which votes are cast for presidential slates by individual voters
17 and counted on a statewide basis.

18 Sec. 4. When the agreement among the states to elect the
19 president by national popular vote governs the appointment of
20 presidential electors, the provisions of the agreement take
21 precedence over any conflicting law of this state.

22 Enacting section 1. This act takes effect 90 days after the
23 date it is enacted into law.