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BILL



ANALYSIS

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Senate Bill 1117 (as introduced 9-5-18)
Sponsor: Senator Dave Hildenbrand
Committee: Elections and Government Reform

Date Completed: 9-5-18

CONTENT

The bill would enact the "Interstate Compact to Elect the President by National Popular Vote" to enter Michigan into the Compact with any and all states that have joined it.

The compact does the following:

- **Takes effect when states cumulatively possessing a majority of the electoral votes have enacted the agreement and the enactments have taken effect in each state.**
- **Requires the chief election officials of the member state to determine the number of votes for each presidential slate in each state and must add such votes together to produce a "national popular vote total" for each presidential slate.**
- **Require the chief election officials of each member state to designate the presidential slate with the largest national popular vote total as the "national popular vote winner."**
- **Require the presidential elector certifying official of each member state to certify the appointment in that official's own state of the elector slate nominated in that state in association with the national popular vote winner.**
- **If the number of presidential electors nominated in a member state in association with the national popular vote winner is less than or greater than the state's number of electoral votes, the national popular vote winner has the power to nominate the presidential electors for that state.**
- **Require the state's presidential elector certifying official to certify the appointment of such nominees.**
- **Describes the procedure for a state's withdrawal from the Compact.**
- **Require the chief executive of each member state to notify the chief executive of all other states when the agreement has been enacted and taken effect in that state or when that state withdraws from the agreement.**
- **Specify that the agreement will terminate if the Electoral College is abolished.**

Under the bill, the Interstate Compact to Elect the President by National Popular Vote would be enacted into law and entered into on behalf of the State with other states that have joined the Compact in substantially the form described below.

The bill would take effect 90 days after it was enacted.

Article I--Membership

Article I states that any State of the U.S. and the District of Columbia can become a member of the Compact by enacting the agreement.

Article II--Right of the People in Member States to Vote for President and Vice President

Article II requires each member state to conduct a statewide popular election for President and Vice President of the U.S.

Article III--Manner of Appointing Presidential Electors in Member States

Article III requires the chief election official of each member state, before the time set by law for meeting and voting by the presidential electors, to determine the number of votes for each presidential slate in each state and the District of Columbia and so add these votes together to produce a "national popular vote total" for each presidential slate. The chief election official of each member state also must designate the presidential slate with the largest national popular vote total as the "national popular vote winner".

The Article specifies that the presidential elector certifying official of each member state must certify the appointment in that official's own state of the elector slate nominated in that state in association with the national popular vote winner. At least six days before the day fixed by law for the meeting and voting by the presidential electors, each member state must make a final determination of the number of popular votes cast in the state for each presidential slate and must communicate an official statement of that determination within 24 hours to the chief official of each other member state.

Article III requires the chief election official of each member state to treat as conclusive an official statement containing the number of popular votes in a state for each presidential slate made by the day established by Federal law for making the state's final determination conclusive as to the counting of electoral votes by Congress. In the event of a tie for the national popular vote winner, the presidential elector certifying official of each member state must certify the appointment of the elector slate nominated in association with the presidential slate receiving the largest number of popular votes within that official's own state. If the number of presidential electors nominated in a member state in association with the national popular vote winner is less than or greater than the state's number of electoral votes, the presidential candidate on the presidential slate that has been designated as the national popular vote winner has the power to nominate the presidential electors for that state and that state's presidential elector certifying official must certify the appointment of such nominees.

Article III also requires the chief election official of each member state to immediately release to the public all vote counts or statements of votes as they are determined or obtained.

Article III governs the appointment of presidential electors in each member state in any year in which the agreement is, on July 20, in effect in state cumulatively possessing a majority of the electoral votes.

Article IV--Other Provisions

Article IV specifies that the agreement takes effect when states cumulatively possessing a majority of the electoral votes have enacted the agreement in substantially the same form and the enactments by such states have taken effect in each state. Any member state may withdraw from this agreement, except that a withdrawal occurring six months more or less

before the end of a President's term will not become effective until a President or Vice President will have been qualified to serve the next term. The chief executive of each member state must promptly notify the chief executive of all other states of when the agreement is enacted and has taken effect in that official's state, when the state has withdrawn from the agreement, and when the agreement takes effect generally.

Article IV states that the agreement will terminate if the Electoral College is abolished. If any provision of the agreement is held invalid, the remaining provisions will not be affected.

Article V--Definitions

"Elector slate" means 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" means the state official or body that is authorized to certify the total number of popular votes for each slate.

"President slate" means a slate of two people, the first of whom has been nominated as a candidate for President of the U.S. and the second of whom has been nominated as a candidate for Vice President of the U.S., or any legal successors for these people, regardless of whether both names appear on the ballot presented to the voter in a particular state.

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

The bill would have no fiscal impact on State or Local government.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.