

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 623**

Introduced by Haar, 21.

Read first time January 21, 2009

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to presidential elections; to adopt the  
2 Interstate Compact on the Agreement Among the States to  
3 Elect the President by National Popular Vote.  
4 Be it enacted by the people of the State of Nebraska,

1           Section 1. The Interstate Compact on the Agreement Among  
2 the States to Elect the President by National Popular Vote is  
3 hereby enacted into law and entered into with all jurisdictions  
4 legally joining therein, in the form substantially set forth in  
5 this section. The Agreement Among the States to Elect the President  
6 by National Popular Vote, the full text of which is set forth  
7 in this section and confirmed by the Legislature, is hereby  
8 entered into on behalf of the State of Nebraska. The compact shall  
9 become effective when states cumulatively possessing a majority  
10 of the electoral votes have enacted this interstate compact in  
11 substantially the same form and the enactments by such states have  
12 taken effect in each state. The full text of the compact is as  
13 follows:

14           ARTICLE I

15           MEMBERSHIP

16           Any state of the United States and the District of  
17 Columbia may become a member of this agreement by enacting this  
18 agreement.

19           ARTICLE II

20           RIGHT OF THE PEOPLE IN MEMBER STATES TO VOTE FOR  
21 PRESIDENT AND VICE PRESIDENT

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

24           ARTICLE III

25           MANNER OF APPOINTING PRESIDENTIAL ELECTORS IN MEMBER

1 STATES

2 Prior to the time set by law for the meeting and voting  
3 by the presidential electors, the chief election official of  
4 each member state shall determine the number of votes for each  
5 presidential slate in each state of the United States and in the  
6 District of Columbia in which votes have been cast in a statewide  
7 popular election and shall add such votes together to produce a  
8 national popular vote total for each presidential slate.

9 The chief election official of each member state shall  
10 designate the presidential slate with the largest national popular  
11 vote total as the national popular vote winner.

12 The presidential elector certifying official of each  
13 member state shall certify the appointment in that official's own  
14 state of the elector slate nominated in that state in association  
15 with the national popular vote winner.

16 At least six days before the day fixed by law for the  
17 meeting and voting by the presidential electors, each member state  
18 shall make a final determination of the number of popular votes  
19 cast in the state for each presidential slate and shall communicate  
20 an official statement of such determination within twenty-four  
21 hours to the chief election official of each other member state.

22 The chief election official of each member state shall  
23 treat as conclusive an official statement containing the number  
24 of popular votes in a state for each presidential slate made by  
25 the day established by federal law for making a state's final

1 determination conclusive as to the counting of electoral votes by  
2 Congress.

3 In event of a tie for the national popular vote winner,  
4 the presidential elector certifying official of each member state  
5 shall certify the appointment of the elector slate nominated in  
6 association with the presidential slate receiving the largest  
7 number of popular votes within that official's own state.

8 If, for any reason, the number of presidential electors  
9 nominated in a member state in association with the national  
10 popular vote winner is less than or greater than that state's  
11 number of electoral votes, the presidential candidate on the  
12 presidential slate that has been designated as the national popular  
13 vote winner shall have the power to nominate the presidential  
14 electors for that state and that state's presidential elector  
15 certifying official shall certify the appointment of such nominees.

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

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

23 ARTICLE IV

24 OTHER PROVISIONS

25 This agreement shall take effect when states cumulatively

1 possessing a majority of the electoral votes have enacted this  
2 agreement in substantially the same form and the enactments by such  
3 states have taken effect in each state.

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

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

13 This agreement shall terminate if the electoral college  
14 is abolished.

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

17 ARTICLE V

18 DEFINITIONS

19 For purposes of this agreement:

20 Chief executive shall mean the Governor of a state of the  
21 United States or the Mayor of the District of Columbia;

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

25 Chief election official shall mean the state official or

1 body that is authorized to certify the total number of popular  
2 votes for each presidential slate;

3 Presidential elector shall mean an elector for President  
4 and Vice President of the United States;

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

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

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

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