

As Introduced

**127th General Assembly
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H. B. No. 524

Representative Sykes

**Cosponsors: Representatives Williams, S., Otterman, J., Skindell, Boyd,
Brown, Letson**

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A B I L L

To amend sections 3505.39 and 3505.40 and to enact 1
section 3505.381 of the Revised Code to adopt the 2
Agreement Among the States to Elect the President 3
by National Popular Vote. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3505.39 and 3505.40 be amended and 5
section 3505.381 of the Revised Code be enacted to read as 6
follows: 7

Sec. 3505.381. The "Agreement Among the States to Elect the 8
President by National Popular Vote" is intended to permit states 9
to join together to establish an interstate compact to elect the 10
president of the United States based upon the national popular 11
vote. Pursuant to terms and conditions of this section, the state 12
of Ohio seeks to join with other states to enact the Agreement 13
Among the States to Elect the President by National Popular Vote. 14

The "Agreement Among the States to Elect the President by 15
National Popular Vote" is hereby enacted into law and entered into 16
with all other states which have legally joined therein: 17

"Agreement Among the States to Elect the 18

<u>President by National Popular Vote"</u>	19
<u>Article I. Membership</u>	20
<u>Any state of the United States and the District of Columbia</u> <u>may become a member of this agreement by enacting this agreement.</u>	21 22
<u>Article II. Right of the People in Member States to Vote for</u> <u>President and Vice-President</u>	23 24
<u>Each member state shall conduct a statewide popular election</u> <u>for president and vice-president of the United States.</u>	25 26
<u>Article III. Manner of Appointing Presidential Electors in</u> <u>Member States</u>	27 28
<u>Prior to the time set by law for the meeting and voting by</u> <u>the presidential electors, the chief election official of each</u> <u>member state shall determine the number of votes for each</u> <u>presidential slate in each state of the United States and in the</u> <u>District of Columbia in which votes have been cast in a statewide</u> <u>popular election and shall add such votes together to produce a</u> <u>"national popular vote total" for each presidential slate.</u>	29 30 31 32 33 34 35
<u>The chief election official of each member state shall</u> <u>designate the presidential slate with the largest national popular</u> <u>vote total as the "national popular vote winner."</u>	36 37 38
<u>The presidential elector certifying official of each member</u> <u>state shall certify the appointment in that official's own state</u> <u>of the elector slate nominated in that state in association with</u> <u>the national popular vote winner.</u>	39 40 41 42
<u>At least six days before the day fixed by law for the meeting</u> <u>and voting by the presidential electors, each member state shall</u> <u>make a final determination of the number of popular votes cast in</u> <u>the state for each presidential slate and shall communicate an</u> <u>official statement of such determination within twenty-four hours</u> <u>to the chief election official of each other member state.</u>	43 44 45 46 47 48

The chief election official of each member state shall treat 49
as conclusive an official statement containing the number of 50
popular votes in a state for each presidential slate made by the 51
day established by federal law for making a state's final 52
determination conclusive as to the counting of electoral votes by 53
Congress. 54

In event of a tie for the national popular vote winner, the 55
presidential elector certifying official of each member state 56
shall certify the appointment of the elector slate nominated in 57
association with the presidential slate receiving the largest 58
number of popular votes within that official's own state. 59

If, for any reason, the number of presidential electors 60
nominated in a member state in association with the national 61
popular vote winner is less than or greater than that state's 62
number of electoral votes, the presidential candidate on the 63
presidential slate that has been designated as the national 64
popular vote winner shall have the power to nominate the 65
presidential electors for that state and that state's presidential 66
elector certifying official shall certify the appointment of such 67
nominees. 68

The chief election official of each member state shall 69
immediately release to the public all vote counts or statements of 70
votes as they are determined or obtained. 71

This article shall govern the appointment of presidential 72
electors in each member state in any year in which this agreement 73
is, on July 20, in effect in states cumulatively possessing a 74
majority of the electoral votes. 75

Article IV. Other Provisions 76

This agreement shall take effect when states cumulatively 77
possessing a majority of the electoral votes have enacted this 78
agreement in substantially the same form and the enactments by 79

such states have taken effect in each state. 80

Any member state may withdraw from this agreement, except 81
that a withdrawal occurring six months or less before the end of a 82
president's term shall not become effective until a president or 83
vice-president shall have been qualified to serve the next term. 84

The chief executive of each member state shall promptly 85
notify the chief executive of all other states of when this 86
agreement has been enacted and has taken effect in that official's 87
state, when the state has withdrawn from this agreement, and when 88
this agreement takes effect generally. 89

This agreement shall terminate if the electoral college is 90
abolished. 91

If any provision of this agreement is held invalid, the 92
remaining provisions shall not be affected. 93

Article V. Definitions 94

For purposes of this agreement: 95

(A) "Chief executive" shall mean the governor of a state of 96
the United States or the mayor of the District of Columbia; 97

(B) "Elector slate" shall mean a slate of candidates who have 98
been nominated in a state for the position of presidential elector 99
in association with a presidential slate; 100

(C) "Chief election official" shall mean the state official 101
or body that is authorized to certify the total number of popular 102
votes for each presidential slate; 103

(D) "Presidential elector" shall mean an elector for 104
president and vice-president of the United States; 105

(E) "Presidential elector certifying official" shall mean the 106
state official or body that is authorized to certify the 107
appointment of the state's presidential electors; 108

(F) "Presidential slate" shall mean a slate of two persons, the first of whom has been nominated as a candidate for president of the United States and the second of whom has been nominated as a candidate for vice-president of the United States, or any legal successors to such persons, regardless of whether both names appear on the ballot presented to the voter in a particular state;

(G) "State" shall mean a state of the United States and the District of Columbia;

(H) "Statewide popular election" shall mean a general election in which votes are cast for presidential slates by individual voters and counted on a statewide basis.

Sec. 3505.39. The (A)(1) If the agreement among the states to elect the president by national popular vote, enacted in section 3505.381 of the Revised Code, does not govern the appointment of presidential electors as provided in Article III of that agreement, the secretary of state shall immediately upon the completion of the canvass of election returns mail to each presidential elector so elected a certificate of his election and shall notify him the elector to attend, at a place in the state capitol which the secretary of state shall select, at twelve noon on the day designated by the congress of the United States, a meeting of the state's presidential electors for the purpose of discharging the duties enjoined on them by the constitution of the United States. The secretary of state, ten days prior to such meeting, shall by letter remind each such elector of the meeting to be held for casting the vote of the state for president and vice-president of the United States. ~~Each such~~

(2) If the agreement among the states to elect the president by national popular vote, enacted in section 3505.381 of the Revised Code, governs the appointment of presidential electors as provided in Article III of that agreement, the secretary of state

shall determine the winner of the national popular vote for 140
president and vice-president of the United States, certify the 141
appointment of the elector slate nominated in association with the 142
winner of the national popular vote, and follow the procedures in 143
section 3505.381 for notification of the elector slate. The 144
presidential electors so appointed shall attend, at a place in the 145
state capitol which the secretary of state shall select, at twelve 146
noon on the day designated by the congress of the United States, a 147
meeting of the state's presidential electors for the purpose of 148
discharging the duties enjoined on them by the Constitution of the 149
United States. 150

(B) Each presidential elector elected or appointed pursuant 151
to division (A) of this section shall give notice to the secretary 152
of state before nine a.m. of that day whether or not ~~he~~ the 153
elector will be present at the appointed hour ready to perform ~~his~~ 154
the duties as a presidential elector. If at twelve noon at the 155
place selected by the secretary of state presidential electors 156
equal in number to the whole number of senators and 157
representatives to which the state may at the time be entitled in 158
the congress of the United States, are not present, the 159
presidential electors present shall immediately proceed, in the 160
presence of the governor and secretary of state, to appoint by 161
ballot such number of persons to serve as presidential electors so 162
that the number of duly elected presidential electors present at 163
such time and place plus the presidential electors so appointed 164
shall be equal in number to the whole number of senators and 165
representatives to which the state is at that time entitled in the 166
congress of the United States; provided, that each such 167
appointment shall be made by a separate ballot, and that all 168
appointments to fill vacancies existing because duly elected 169
presidential electors are not present shall be made before other 170
appointments are made, and that in making each such appointment 171
the person appointed shall be of the same political party as the 172

duly elected presidential elector whose absence requires such 173
appointment to be made. In case of a tie vote the governor shall 174
determine the results by lot. The electors making such 175
appointments shall certify forthwith to the secretary of state the 176
names of the persons so appointed and the secretary of state shall 177
immediately issue to such appointees certificates of their 178
appointment and notify them thereof. All of the state's 179
presidential electors, both those duly elected who are then 180
present and those appointed as herein provided, shall then meet 181
and organize by electing one of their number as ~~chairman~~ 182
chairperson and by designating the secretary of state as ex 183
officio secretary and shall then and there discharge all of the 184
duties enjoined upon presidential electors by the constitution and 185
laws of the United States. Each presidential elector shall receive 186
ten dollars for each day's attendance in Columbus as such and 187
mileage at the rate of ten cents per mile for the estimated 188
distance by the usual route from ~~his~~ the elector's place of 189
residence to Columbus. Such compensation and mileage shall be upon 190
vouchers issued by the secretary of state, and shall be paid by 191
the treasurer of state out of the general fund. 192

Sec. 3505.40. A presidential elector elected at a general 193
election or appointed pursuant to section 3505.381 or 3505.39 of 194
the Revised Code shall, when discharging the duties enjoined upon 195
~~him~~ the elector by the constitution or laws of the United States, 196
cast ~~his~~ the elector's electoral vote for the nominees for 197
president and vice-president of the political party which 198
certified ~~him~~ the elector to the secretary of state as a 199
presidential elector pursuant to law. 200

Section 2. That existing sections 3505.39 and 3505.40 of the 201
Revised Code are hereby repealed. 202