

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

462N0689

HOUSE BILL NO. 1295

Introduced by: Representatives Dennert, Sigdestad, and Street

1 FOR AN ACT ENTITLED, An Act to enact the agreement among the states to elect the
2 president by national popular vote.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. The agreement among the states to elect the President by national popular vote
5 is entered with all states legally joining in the form substantially as follows:

6 ARTICLE I - MEMBERSHIP

7 Any state of the United States and the District of Columbia may become a member of this
8 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 for President and Vice
12 President of the United States.

13 ARTICLE III - MANNER OF APPOINTING PRESIDENTIAL ELECTORS

14 IN MEMBER STATES

15 Prior to the time set by law for the meeting and voting by the presidential electors, the chief
16 election official of each member state shall determine the number of votes for each presidential



1 slate in each state of the United States and in the District of Columbia in which votes have been
2 cast in a statewide popular election and shall add such votes together to produce a national
3 popular vote total for each presidential slate.

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

6 The presidential elector certifying official of each member state shall certify the appointment
7 in that official's own state of the elector slate nominated in that state in association with the
8 national popular vote winner.

9 A least six days before the day fixed by law for the meeting and voting by the presidential
10 electors, each member state shall make a final determination of the number of popular votes cast
11 in the state for each presidential slate and shall communicate an official statement of such
12 determination within twenty-four hours to the chief election official of each other member state.

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

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

21 If, for any reason, the number of presidential electors nominated in a member state in
22 association with the national popular vote winner is less than or greater than that state's number
23 of electoral votes, the presidential candidate on the presidential slate that has been designated
24 as the national popular vote winner shall have the power to nominate the presidential electors

1 for that state and that state's presidential elector certifying official shall certify the appointment
2 of such nominees. The chief election official of each member state shall immediately release to
3 the public all vote counts or statements of votes as they are determined or obtained.

4 This article shall govern the appointment of presidential electors in each member state in
5 any year in which this agreement is, on July twentieth, in effect in states cumulatively
6 possessing a majority of the electoral votes.

7 ARTICLE IV - OTHER PROVISIONS

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

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

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

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

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

21 ARTICLE V - DEFINITIONS

22 For purposes of this agreement:

23 "Chief executive" shall mean the Governor of a state of the United States or the
24 mayor of the District of Columbia;

1 "Elector state" shall mean a slate of candidates who have been nominated in a state
2 for the position of presidential elector in association with a presidential slate;

3 "Chief election official" shall mean the state official or body that is authorized to
4 certify the total number of popular votes for each presidential slate;

5 "Presidential elector" shall mean an elector for President and Vice President of the
6 United States;

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

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

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

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