

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 06-0991.01 Bob Lackner

SENATE BILL 06-223

SENATE SPONSORSHIP

Gordon, and Groff

HOUSE SPONSORSHIP

Plant, and Larson

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING ADOPTION OF AN INTERSTATE COMPACT FOR THE**
102 **ELECTION OF THE PRESIDENT OF THE UNITED STATES BY**
103 **NATIONAL POPULAR VOTE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Authorizes the governor to enter into an interstate compact for the election of the president of the United States by national popular vote (compact).

Among other provisions, the compact:

Permits any state of the United States and the District of Columbia to become members of the compact by enacting

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
April 17, 2006

SENATE
2nd Reading Unamended
April 14, 2006

the compact.

Requires each member state to conduct a statewide popular election for president and vice president of the United States.

Prior to the time set for the meeting and voting of presidential electors, requires the chief election officer of each member state to determine the number of votes cast for each presidential slate in a statewide popular election and to designate the presidential slate with the largest national popular vote total as the national popular vote winner.

Requires 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. At least 6 days before the day fixed by law for the meeting and voting by the presidential electors, requires each member state to make a final determination of the number of popular votes cast in the state for each presidential slate and to communicate an official statement of the determination within 24 hours to the chief election official of each other member state. 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 a state's final determination conclusive as to the counting of electoral votes by congress.

Specifies that the compact shall govern the appointment of presidential electors in each member state in any year in which the compact is in effect on July 20 in states cumulatively possessing a majority of the electoral votes. Permits a state's withdrawal from the compact, except for 6 months prior to the end of a president's term through the time when a president and vice president are qualified to serve the next term.

Specifies that the compact will terminate if the electoral college is abolished.

Provides that the invalidity of any of the compact's provisions shall not affect the remaining provisions.

Specifies that when the compact becomes effective, it shall supersede any conflicting provisions of Colorado law.

Defines terms.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Article 60 of title 24, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PART to read:

4 PART 32

5 COMPACT FOR THE ELECTION OF THE PRESIDENT OF
6 THE UNITED STATES BY NATIONAL POPULAR VOTE

7 **24-60-3201. Short title.** THIS PART 32 SHALL BE KNOWN AND
8 MAY BE CITED AS THE "INTERSTATE COMPACT FOR THE ELECTION OF THE
9 PRESIDENT OF THE UNITED STATES BY NATIONAL POPULAR VOTE."

10 **24-60-3202. Execution of compact.** THE GENERAL ASSEMBLY
11 HEREBY APPROVES AND THE GOVERNOR IS AUTHORIZED TO ENTER INTO AN
12 INTERSTATE COMPACT ON BEHALF OF THIS STATE WITH ANY OTHER STATE
13 OR STATES LEGALLY JOINING THEREIN IN THE FORM SUBSTANTIALLY AS
14 FOLLOWS:

15 ARTICLE I -- MEMBERSHIP

16 ANY STATE OF THE UNITED STATES AND THE DISTRICT OF
17 COLUMBIA MAY BECOME A MEMBER OF THE COMPACT BY ENACTING THE
18 COMPACT.

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

21 EACH MEMBER STATE SHALL CONDUCT A STATEWIDE POPULAR
22 ELECTION FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES.

23 ARTICLE III -- MANNER OF APPOINTING PRESIDENTIAL
24 ELECTORS IN MEMBER STATES

25 PRIOR TO THE TIME SET BY LAW FOR THE MEETING AND VOTING BY
26 THE PRESIDENTIAL ELECTORS, THE CHIEF ELECTION OFFICIAL OF EACH
27 MEMBER STATE SHALL DETERMINE THE NUMBER OF VOTES FOR EACH

1 PRESIDENTIAL SLATE IN EACH STATE OF THE UNITED STATES AND IN THE
2 DISTRICT OF COLUMBIA IN WHICH VOTES HAVE BEEN CAST IN A STATEWIDE
3 POPULAR ELECTION AND SHALL ADD SUCH VOTES TOGETHER TO PRODUCE
4 A "NATIONAL POPULAR VOTE TOTAL" FOR EACH PRESIDENTIAL SLATE.

5 THE CHIEF ELECTION OFFICIAL OF EACH MEMBER STATE SHALL
6 DESIGNATE THE PRESIDENTIAL SLATE WITH THE LARGEST NATIONAL
7 POPULAR VOTE TOTAL AS THE "NATIONAL POPULAR VOTE WINNER."

8 THE PRESIDENTIAL ELECTOR CERTIFYING OFFICIAL OF EACH
9 MEMBER STATE SHALL CERTIFY THE APPOINTMENT IN THAT OFFICIAL'S
10 OWN STATE OF THE ELECTOR SLATE NOMINATED IN THAT STATE IN
11 ASSOCIATION WITH THE NATIONAL POPULAR VOTE WINNER.

12 AT LEAST SIX DAYS BEFORE THE DAY FIXED BY LAW FOR THE
13 MEETING AND VOTING BY THE PRESIDENTIAL ELECTORS, EACH MEMBER
14 STATE SHALL MAKE A FINAL DETERMINATION OF THE NUMBER OF POPULAR
15 VOTES CAST IN THE STATE FOR EACH PRESIDENTIAL SLATE AND SHALL
16 COMMUNICATE AN OFFICIAL STATEMENT OF SUCH DETERMINATION WITHIN
17 24 HOURS TO THE CHIEF ELECTION OFFICIAL OF EACH OTHER MEMBER
18 STATE.

19 THE CHIEF ELECTION OFFICIAL OF EACH MEMBER STATE SHALL
20 TREAT AS CONCLUSIVE AN OFFICIAL STATEMENT CONTAINING THE NUMBER
21 OF POPULAR VOTES IN A STATE FOR EACH PRESIDENTIAL SLATE MADE BY
22 THE DAY ESTABLISHED BY FEDERAL LAW FOR MAKING A STATE'S FINAL
23 DETERMINATION CONCLUSIVE AS TO THE COUNTING OF ELECTORAL VOTES
24 BY CONGRESS.

25 IN EVENT OF A TIE FOR THE NATIONAL POPULAR VOTE WINNER, THE
26 PRESIDENTIAL ELECTOR CERTIFYING OFFICIAL OF EACH MEMBER STATE
27 SHALL CERTIFY THE APPOINTMENT OF THE ELECTOR SLATE NOMINATED IN

1 ASSOCIATION WITH THE PRESIDENTIAL SLATE RECEIVING THE LARGEST
2 NUMBER OF POPULAR VOTES WITHIN THAT OFFICIAL'S OWN STATE.

3 IF, FOR ANY REASON, THE NUMBER OF PRESIDENTIAL ELECTORS
4 NOMINATED IN A MEMBER STATE IN ASSOCIATION WITH THE NATIONAL
5 POPULAR VOTE WINNER IS LESS THAN OR GREATER THAN THAT STATE'S
6 NUMBER OF ELECTORAL VOTES, THE PRESIDENTIAL CANDIDATE ON THE
7 PRESIDENTIAL SLATE THAT HAS BEEN DESIGNATED AS THE NATIONAL
8 POPULAR VOTE WINNER SHALL HAVE THE POWER TO NOMINATE THE
9 PRESIDENTIAL ELECTORS FOR THAT STATE AND THAT STATE'S
10 PRESIDENTIAL ELECTOR CERTIFYING OFFICIAL SHALL CERTIFY THE
11 APPOINTMENT OF SUCH NOMINEES.

12 THE CHIEF ELECTION OFFICIAL OF EACH MEMBER STATE SHALL
13 IMMEDIATELY RELEASE TO THE PUBLIC ALL VOTE COUNTS OR STATEMENTS
14 OF VOTES AS THEY ARE DETERMINED OR OBTAINED.

15 THIS ARTICLE SHALL GOVERN THE APPOINTMENT OF PRESIDENTIAL
16 ELECTORS IN EACH MEMBER STATE IN ANY YEAR IN WHICH THIS COMPACT
17 IS, ON JULY 20, IN EFFECT IN STATES CUMULATIVELY POSSESSING A
18 MAJORITY OF THE ELECTORAL VOTES.

19 ARTICLE IV -- OTHER PROVISIONS

20 THIS COMPACT SHALL TAKE EFFECT WHEN STATES CUMULATIVELY
21 POSSESSING A MAJORITY OF THE ELECTORAL VOTES HAVE ENACTED THIS
22 COMPACT IN SUBSTANTIALLY THE SAME FORM AND THE ENACTMENTS BY
23 SUCH STATES HAVE TAKEN EFFECT IN EACH STATE.

24 ANY MEMBER STATE MAY WITHDRAW FROM THIS COMPACT, EXCEPT
25 THAT A WITHDRAWAL OCCURRING SIX MONTHS OR LESS BEFORE THE END
26 OF A PRESIDENT'S TERM SHALL NOT BECOME EFFECTIVE UNTIL A
27 PRESIDENT OR VICE PRESIDENT SHALL HAVE BEEN QUALIFIED TO SERVE

1 THE NEXT TERM.

2 THE CHIEF EXECUTIVE OF EACH MEMBER STATE SHALL PROMPTLY
3 NOTIFY THE CHIEF EXECUTIVE OF ALL OTHER STATES OF WHEN THIS
4 COMPACT HAS BEEN ENACTED AND HAS TAKEN EFFECT IN THAT OFFICIAL'S
5 STATE, WHEN THE STATE HAS WITHDRAWN FROM THIS COMPACT, AND
6 WHEN THIS COMPACT TAKES EFFECT GENERALLY.

7 THIS COMPACT SHALL TERMINATE IF THE ELECTORAL COLLEGE IS
8 ABOLISHED.

9 IF ANY PROVISION OF THIS COMPACT IS HELD INVALID, THE
10 REMAINING PROVISIONS SHALL NOT BE AFFECTED.

11 ARTICLE V -- DEFINITIONS

12 FOR PURPOSES OF THIS COMPACT:

13 "CHIEF EXECUTIVE" SHALL MEAN THE GOVERNOR OF A STATE OF
14 THE UNITED STATES OR THE MAYOR OF THE DISTRICT OF COLUMBIA;

15 "ELECTOR SLATE" SHALL MEAN A SLATE OF CANDIDATES WHO HAVE
16 BEEN NOMINATED IN A STATE FOR THE POSITION OF PRESIDENTIAL
17 ELECTOR IN ASSOCIATION WITH A PRESIDENTIAL SLATE;

18 "CHIEF ELECTION OFFICIAL" SHALL MEAN THE STATE OFFICIAL OR
19 BODY THAT IS AUTHORIZED TO CERTIFY THE TOTAL NUMBER OF POPULAR
20 VOTES FOR EACH PRESIDENTIAL SLATE;

21 "PRESIDENTIAL ELECTOR" SHALL MEAN AN ELECTOR FOR
22 PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES;

23 "PRESIDENTIAL ELECTOR CERTIFYING OFFICIAL" SHALL MEAN THE
24 STATE OFFICIAL OR BODY THAT IS AUTHORIZED TO CERTIFY THE
25 APPOINTMENT OF THE STATE'S PRESIDENTIAL ELECTORS;

26 "PRESIDENTIAL SLATE" SHALL MEAN A SLATE OF TWO PERSONS, THE
27 FIRST OF WHOM HAS BEEN NOMINATED AS A CANDIDATE FOR PRESIDENT

1 OF THE UNITED STATES AND THE SECOND OF WHOM HAS BEEN NOMINATED
2 AS A CANDIDATE FOR VICE PRESIDENT OF THE UNITED STATES, OR ANY
3 LEGAL SUCCESSORS TO SUCH PERSONS, REGARDLESS OF WHETHER BOTH
4 NAMES APPEAR ON THE BALLOT PRESENTED TO THE VOTER IN A
5 PARTICULAR STATE;

6 "STATE" SHALL MEAN A STATE OF THE UNITED STATES AND THE
7 DISTRICT OF COLUMBIA; AND

8 "STATEWIDE POPULAR ELECTION" SHALL MEAN A GENERAL
9 ELECTION IN WHICH VOTES ARE CAST FOR PRESIDENTIAL SLATES BY
10 INDIVIDUAL VOTERS AND COUNTED ON A STATEWIDE BASIS.

11 **24-60-3203. Conflicting provisions of law.** WHEN THE COMPACT
12 FOR THE ELECTION OF THE PRESIDENT OF THE UNITED STATES BY
13 NATIONAL POPULAR VOTE BECOMES EFFECTIVE AS PROVIDED IN ARTICLE
14 IV OF THE COMPACT, THIS PART 32 SHALL SUPERSEDE ANY CONFLICTING
15 PROVISIONS OF COLORADO LAW.

16 **SECTION 2. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.