

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 112

Introduced by Larson, 40; Schilz, 47.

Read first time January 08, 2015

Committee: Government, Military and Veterans Affairs

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

12 ARTICLE I

13 MEMBERSHIP

14 Any state of the United States and the District of Columbia may
15 become a member of this agreement by enacting this agreement.

16 ARTICLE II

17 RIGHT OF THE PEOPLE IN MEMBER STATES TO VOTE FOR PRESIDENT AND VICE
18 PRESIDENT

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

21 ARTICLE III

22 MANNER OF APPOINTING PRESIDENTIAL ELECTORS IN MEMBER STATES

23 Prior to the time set by law for the meeting and voting by the
24 presidential electors, the chief election official of each member state
25 shall determine the number of votes for each presidential slate in each
26 state of the United States and in the District of Columbia in which votes
27 have been cast in a statewide popular election and shall add such votes
28 together to produce a national popular vote total for each presidential
29 slate.

30 The chief election official of each member state shall designate the
31 presidential slate with the largest national popular vote total as the

1 national popular vote winner.

2 The presidential elector certifying official of each member state
3 shall certify the appointment in that official's own state of the elector
4 slate nominated in that state in association with the national popular
5 vote winner.

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

12 The chief election official of each member state shall treat as
13 conclusive an official statement containing the number of popular votes
14 in a state for each presidential slate made by the day established by
15 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
18 presidential elector certifying official of each member state shall
19 certify the appointment of the elector slate nominated in association
20 with the presidential slate receiving the largest number of popular votes
21 within that official's own state.

22 If, for any reason, the number of presidential electors nominated in
23 a member state in association with the national popular vote winner is
24 less than or greater than that state's number of electoral votes, the
25 presidential candidate on the presidential slate that has been designated
26 as the national popular vote winner shall have the power to nominate the
27 presidential electors for that state and that state's presidential
28 elector certifying official shall certify the appointment of such
29 nominees.

30 The chief election official of each member state shall immediately
31 release to the public all vote counts or statements of votes as they are

1 determined or obtained.

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

6 ARTICLE IV

7 OTHER PROVISIONS

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

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

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

21 This agreement shall terminate if the electoral college is
22 abolished.

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

25 ARTICLE V

26 DEFINITIONS

27 For purposes of this agreement:

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

30 Elector slate shall mean a slate of candidates who have been
31 nominated in a state for the position of presidential elector in

1 association with a presidential slate;

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

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

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

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

16 State shall mean a state of the United States and the District of
17 Columbia; and

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