

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1058**

Introduced by Murante, 49.

Read first time January 22, 2014

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

13           ARTICLE I

14           MEMBERSHIP

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

18           ARTICLE II

19           RIGHT OF THE PEOPLE IN MEMBER STATES TO VOTE FOR  
20 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

24           MANNER OF APPOINTING PRESIDENTIAL ELECTORS IN MEMBER  
25 STATES

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

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

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

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

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

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

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

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

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

21           ARTICLE IV

22           OTHER PROVISIONS

23           This agreement shall take effect when states cumulatively  
24 possessing a majority of the electoral votes have enacted this  
25 agreement in substantially the same form and the enactments by such

1 states have taken effect in each state.

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

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

11 This agreement shall terminate if the electoral college  
12 is abolished.

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

15 ARTICLE V

16 DEFINITIONS

17 For purposes of this agreement:

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

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

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

1           Presidential elector shall mean an elector for President  
2 and Vice President of the United States;

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

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

12           State shall mean a state of the United States and the  
13 District of Columbia; and

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