As Introduced

132nd General Assembly Regular Session 2017-2018

H. B. No. 25

Representatives Ramos, Leland

Cosponsors: Representatives Johnson, G., Smith, K., Kent, Cera, Ashford, Boyd

A BILL

То	amend sections 3505.39 and 3505.40 and to enact	1
	section 3505.381 of the Revised Code to adopt	2
	the Agreement Among the States to Elect the	3
	President 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	5
and 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_	8
the President by National Popular Vote" is intended to permit	9
states to join together to establish an interstate compact to	10
elect the president of the United States based upon the national	11
popular vote. Pursuant to terms and conditions of this section,	12
the state of Ohio seeks to join with other states to enact the	13
Agreement Among the States to Elect the President by National	14
Popular Vote.	15
The Agreement Among the States to Elect the President by	16
National Popular Vote is hereby enacted into law and entered	17
into with all other states which have legally joined therein:	1.8

"Agreement Among the States to Elect the President by	19
National Popular Vote"	20
Article I. Membership	21
Any state of the United States and the District of	22
Columbia may become a member of this agreement by enacting this	23
agreement.	24
Article II. Right of the People in Member States to Vote	25
for President and Vice President	26
Each member state shall conduct a statewide popular	27
election for President and Vice President of the United States.	28
Article III. Manner of Appointing Presidential Electors in	29
Member States	30
Prior to the time set by law for the meeting and voting by	31
the presidential electors, the chief election official of each	32
member state shall determine the number of votes for each	33
presidential slate in each state of the United States and in the	34
District of Columbia in which votes have been cast in a	35
statewide popular election and shall add such votes together to	36
produce a "national popular vote total" for each presidential	37
slate.	38
The chief election official of each member state shall	39
designate the presidential slate with the largest national	40
popular vote total as the "national popular vote winner."	41
The presidential elector certifying official of each	42
member state shall certify the appointment in that official's	43
own state of the elector slate nominated in that state in	44
association with the national popular vote winner.	45
At least six (6) days before the day fixed by law for the	46

H. B. No. 25
As Introduced

meeting and voting by the presidential electors, each member	47
state shall make a final determination of the number of popular	48
votes cast in the state for each presidential slate and shall	49
communicate an official statement of such determination within	50
twenty-four (24) hours to the chief election official of each	51
member state.	52
The chief election official of each member state shall	53
treat as conclusive an official statement containing the number	54
of popular votes in a state for each presidential slate made by	55
the day established by federal law for making a state's final	56
determination conclusive as to the counting of electoral votes	57
by Congress.	58
In event of a tie for the national popular vote winner,	59
the presidential elector certifying official of each member	60
state shall certify the appointment of the elector slate	61
nominated in association with the presidential slate receiving	62
the largest number of popular votes within that official's own	63
state.	64
If, for any reason, the number of presidential electors	65
nominated in a member state in association with the national	66
popular vote winner is less than or greater than that state's	67
number of electoral votes, the presidential candidate on the	68
presidential slate that has been designated as the national	69
popular vote winner shall have the power to nominate the	70
presidential electors for that state and that state's	71
presidential elector certifying official shall certify the	72
appointment of such nominees.	73
The chief election official of each member state shall	74
immediately release to the public all vote counts or statements	75
of votes as they are determined or obtained.	76

This article shall govern the appointment of presidential	77
electors in each member state in any year in which this	78
agreement is, on July 20, in effect in states cumulatively	79
possessing a majority of the electoral votes.	80
Article IV. Other Provisions	81
This agreement shall take effect when states cumulatively	82
possessing a majority of the electoral votes have enacted this	83
agreement in substantially the same form and the enactments by	84
such states have taken effect in each state.	85
Any member state may withdraw from this agreement, except	86
that a withdrawal occurring six (6) months or less before the	87
end of a President's term shall not become effective until a	88
President or Vice President shall have been qualified to serve	89
the next term.	90
The chief executive of each member state shall promptly	91
notify the chief executive of all other states of when this	92
agreement has been enacted and has taken effect in that	93
official's state, when the state has withdrawn from this	94
agreement, and when this agreement takes effect generally.	95
This agreement shall terminate if the Electoral College is	96
abolished.	97
	0.0
If any provision of this agreement is held invalid, the	98
remaining provisions shall not be effected.	99
Article V. Definitions	100
For purposes of this agreement:	101
(A) "Chief Executive" shall mean the Governor of a state	102
of the United States or the Mayor of the District of Columbia;	103

(B) "Elector Slate" shall mean a slate of candidates who	104
have been nominated in a state for the position of presidential	105
elector in association with a presidential slate;	106
(C) "Chief Election Official" shall mean the state	107
official or body that is authorized to certify the total number	108
of popular votes for each presidential slate;	109
(D) "Presidential Elector" shall mean an elector for	110
President and Vice President of the United States;	111
(E) "Presidential Elector Certifying Official" shall mean	112
the state official or body that is authorized to certify the	113
appointment of the state's presidential electors;	114
(F) "Presidential Slate" shall mean a slate of two	115
persons, the first of whom has been nominated as a candidate for	116
President of the United States and the second of whom has been	117
nominated as a candidate for Vice President of the United	118
States, or any legal successors to such persons, regardless of	119
whether both names appear on the ballot presented to the voter	120
in a particular state;	121
(G) "State" shall mean a state of the United States and	122
the District of Columbia;	123
(H) "Statewide Popular Election" means a general election	124
in which votes are cast for presidential slates by individual	125
voters and counted on a statewide basis.	126
Sec. 3505.39. The (A) (1) If the agreement among the states	127
to elect the president by national popular vote, enacted in	128
section 3505.381 of the Revised Code, does not govern the	129
appointment of presidential electors as provided in Article III	130
of that agreement, the secretary of state shall immediately upon	131
the completion of the canvass of election returns mail to each	132

H. B. No. 25
As Introduced

presidential elector so elected a certificate of his-election	133
and shall notify-him the elector to attend, at a place in the	134
state capitol which the secretary of state shall select, at	135
twelve noon on the day designated by the congress of the United	136
States, a meeting of the state's presidential electors for the	137
purpose of discharging the duties enjoined on them by the	138
constitution of the United States. The secretary of state, ten	139
days prior to such meeting, shall by letter remind each such	140
elector of the meeting to be held for casting the vote of the	141
state for president and vice-president of the United States.	142
Each such	143
(2) If the agreement among the states to elect the	144
president by national popular vote, enacted in section 3505.381	145
of the Revised Code, governs the appointment of presidential	146
electors as provided in Article III of that agreement, the	147
secretary of state shall determine the winner of the national	148
popular vote for president and vice-president of the United	149
States, certify the appointment of the elector slate nominated	150
in association with the winner of the national popular vote, and	151
follow the procedures in section 3505.381 for notification of	152
the elector slate. The presidential electors so appointed shall	153
attend, at a place in the state capitol which the secretary of	154
state shall select, at twelve noon on the day designated by the	155
congress of the United States, a meeting of the state's	156
presidential electors for purposes of discharging the duties	157
enjoined on them by the Constitution of the United States.	158
(B) Each presidential elector elected or appointed	159
pursuant to division (A) of this section shall give notice to	160
the secretary of state before nine a.m. of that day whether or	161
not-he the elector will be present at the appointed hour ready	162
to perform his the duties as a presidential elector. If at	163

twelve noon at the place selected by the secretary of state	164
presidential electors equal in number to the whole number of	165
senators and representatives to which the state may at the time	166
be entitled in the congress of the United States, are not	167
present, the presidential electors present shall immediately	168
proceed, in the presence of the governor and secretary of state,	169
to appoint by ballot such number of persons to serve as	170
presidential electors so that the number of duly elected	171
presidential electors present at such time and place plus the	172
presidential electors so appointed shall be equal in number to	173
the whole number of senators and representatives to which the	174
state is at that time entitled in the congress of the United	175
States; provided, that each such appointment shall be made by a	176
separate ballot, and that all appointments to fill vacancies	177
existing because duly elected presidential electors are not	178
present shall be made before other appointments are made, and	179
that in making each such appointment the person appointed shall	180
be of the same political party as the duly elected presidential	181
elector whose absence requires such appointment to be made. In	182
case of a tie vote the governor shall determine the results by	183
lot. The electors making such appointments shall certify	184
forthwith to the secretary of state the names of the persons so	185
appointed and the secretary of state shall immediately issue to	186
such appointees certificates of their appointment and notify	187
them thereof. All of the state's presidential electors, both	188
those duly elected who are then present and those appointed as	189
herein provided, shall then meet and organize by electing one of	190
their number as -chairman chairperson and by designating the	191
secretary of state as ex officio secretary and shall then and	192
there discharge all of the duties enjoined upon presidential	193
electors by the constitution and laws of the United States. Each	194
presidential elector shall receive ten dollars for each day's	195

H. B. No. 25
As Introduced

attendance in Columbus as such and mileage at the rate of ten	196
cents per mile for the estimated distance by the usual route	197
from his the elector's place of residence to Columbus. Such	198
compensation and mileage shall be upon vouchers issued by the	199
secretary of state, and shall be paid by the treasurer of state	200
out of the general fund.	201
Sec. 3505.40. A presidential elector elected at a general	202
election or appointed pursuant to section <u>3505.381 or</u> 3505.39 of	203
the Revised Code shall, when discharging the duties enjoined	204
upon-him the elector by the constitution or laws of the United	205
States, cast <u>his</u> the elector's electoral vote for the nominees	206
for president and vice-president of the political party which	207
certified him the elector to the secretary of state as a	208
presidential elector pursuant to law.	209
Section 2. That existing sections 3505.39 and 3505.40 of	210
the Revised Code are hereby repealed.	211