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

To amend sections 3505.39 and 3505.40 and to enact section 3505.381 of the Revised Code to adopt the Agreement Among the States to Elect the President by National Popular Vote.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3505.39 and 3505.40 be amended and section 3505.381 of the Revised Code be enacted to read as follows:

Sec. 3505.381. The "Agreement Among the States to Elect the President by National Popular Vote" is intended to permit states to join together to establish an interstate compact to elect the president of the United States based upon the national popular vote. Pursuant to terms and conditions of this section, the state of Ohio seeks to join with other states to enact the Agreement Among the States to Elect the President by National Popular Vote.

The Agreement Among the States to Elect the President by National Popular Vote is hereby enacted into law and entered into with all other states which have legally joined therein:
"Agreement Among the States to Elect the President by National Popular Vote"

Article I. Membership

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

Article II. Right of the People in Member States to Vote for President and Vice President

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

Article III. Manner of Appointing Presidential Electors in Member States

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

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

The presidential elector certifying official of each member state shall 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 six (6) days before the day fixed by law for the
meeting and voting by the presidential electors, each member
state shall make a final determination of the number of popular
votes cast in the state for each presidential slate and shall
communicate an official statement of such determination within
twenty-four (24) hours to the chief election official of each
member state.

The chief election official of each member state shall
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.

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

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

The chief election official of each member state shall
immediately release to the public all vote counts or statements
of votes as they are determined or obtained.
This article shall govern the appointment of presidential electors in each member state in any year in which this agreement is, on July 20, in effect in states cumulatively possessing a majority of the electoral votes.

Article IV. Other Provisions

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

Any member state may withdraw from this agreement, except that a withdrawal occurring six (6) months or less before the end of a President's term shall not become effective until a President or Vice President shall have been qualified to serve the next term.

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

This agreement shall terminate if the Electoral College is abolished.

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

Article V. Definitions

For purposes of this agreement:

(A) "Chief Executive" shall mean the Governor of a state of the United States or the Mayor of the District of Columbia;
(B) "Elector Slate" shall mean a slate of candidates who have been nominated in a state for the position of presidential elector in association with a presidential slate;

(C) "Chief Election Official" shall mean the state official or body that is authorized to certify the total number of popular votes for each presidential slate;

(D) "Presidential Elector" shall mean an elector for President and Vice President of the United States;

(E) "Presidential Elector Certifying Official" shall mean the state official or body that is authorized to certify the appointment of the state's presidential electors;

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

(G) "State" shall mean a state of the United States and the District of Columbia;

(H) "Statewide Popular Election" means a general election in which votes are cast for presidential slates by individual voters and counted on a statewide basis.

Sec. 3505.39. (A)(1) If the agreement among the states to elect the president by national popular vote, enacted in section 3505.381 of the Revised Code, does not govern the appointment of presidential electors as provided in Article III of that agreement, the secretary of state shall immediately upon the completion of the canvass of election returns mail to each
presidential elector so elected a certificate of his election and shall notify the elector to attend, at a place in the state capitol which the secretary of state shall select, at twelve noon on the day designated by the congress of the United States, a meeting of the state's presidential electors for the purpose of discharging the duties enjoined on them by the constitution of the United States. The secretary of state, ten days prior to such meeting, shall by letter remind each such elector of the meeting to be held for casting the vote of the state for president and vice-president of the United States.

Each such

(2) If the agreement among the states to elect the president by national popular vote, enacted in section 3505.381 of the Revised Code, governs the appointment of presidential electors as provided in Article III of that agreement, the secretary of state shall determine the winner of the national popular vote for president and vice-president of the United States, certify the appointment of the elector slate nominated in association with the winner of the national popular vote, and follow the procedures in section 3505.381 for notification of the elector slate. The presidential electors so appointed shall attend, at a place in the state capitol which the secretary of state shall select, at twelve noon on the day designated by the congress of the United States, a meeting of the state's presidential electors for purposes of discharging the duties enjoined on them by the Constitution of the United States.

(B) Each presidential elector elected or appointed pursuant to division (A) of this section shall give notice to the secretary of state before nine a.m. of that day whether or not the elector will be present at the appointed hour ready to perform the duties as a presidential elector. If at
twelve noon at the place selected by the secretary of state
presidential electors equal in number to the whole number of
senators and representatives to which the state may at the time
be entitled in the congress of the United States, are not
present, the presidential electors present shall immediately
proceed, in the presence of the governor and secretary of state,
to appoint by ballot such number of persons to serve as
presidential electors so that the number of duly elected
presidential electors present at such time and place plus the
presidential electors so appointed shall be equal in number to
the whole number of senators and representatives to which the
state is at that time entitled in the congress of the United
States; provided, that each such appointment shall be made by a
separate ballot, and that all appointments to fill vacancies
existing because duly elected presidential electors are not
present shall be made before other appointments are made, and
that in making each such appointment the person appointed shall
be of the same political party as the duly elected presidential
elector whose absence requires such appointment to be made. In
case of a tie vote the governor shall determine the results by
lot. The electors making such appointments shall certify
forthwith to the secretary of state the names of the persons so
appointed and the secretary of state shall immediately issue to
such appointees certificates of their appointment and notify
them thereof. All of the state's presidential electors, both
those duly elected who are then present and those appointed as
herein provided, shall then meet and organize by electing one of
their number as 
chairman
chairperson
and by designating the
secretary of state as ex officio secretary and shall then and
there discharge all of the duties enjoined upon presidential
electors by the constitution and laws of the United States. Each
presidential elector shall receive ten dollars for each day's
attendance in Columbus as such and mileage at the rate of ten cents per mile for the estimated distance by the usual route from his the elector's place of residence to Columbus. Such compensation and mileage shall be upon vouchers issued by the secretary of state, and shall be paid by the treasurer of state out of the general fund.

**Sec. 3505.40.** A presidential elector elected at a general election or appointed pursuant to section 3505.381 or 3505.39 of the Revised Code shall, when discharging the duties enjoined upon him the elector by the constitution or laws of the United States, cast his the elector's electoral vote for the nominees for president and vice-president of the political party which certified him the elector to the secretary of state as a presidential elector pursuant to law.

**Section 2.** That existing sections 3505.39 and 3505.40 of the Revised Code are hereby repealed.