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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3237

02/13/2020 Authored by Freiberg
The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act
1.2 proposing an amendment to the Minnesota Constitution by adding a section to
1.3 article VII; entering into the Agreement Among the States to Elect the President
1.4 by National Popular Vote; proposing coding for new law in Minnesota Statutes,
1.5 chapter 208.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 ARTICLE 1
1.8 CONSTITUTIONAL AMENDMENT

1.9 Section 1. CONSTITUTIONAL AMENDMENT PROPOSED.

1.10 An amendment to the Minnesota Constitution is proposed to the people. If the amendment
1.11 is adopted, a section shall be added to article VII, to read:

1.12 Sec. 10. The state of Minnesota adopts and agrees to enter into the Agreement Among
1.13 the States to Elect the President by National Popular Vote. The agreement shall be provided
1.14 by law and take effect when states cumulatively possessing a majority of the electoral votes
1.15 have enacted the agreement in substantially the same form and the enactments by the states
1.16 have taken effect in each state. Upon the agreement taking effect, the state shall designate
1.17 the state's presidential electors according to the national popular vote winner.

1.18 Sec. 2. SUBMISSION TO VOTERS; EFFECTIVE DATE.

1.19 (a) The proposed amendment must be submitted to the people at the 2020 general election.
1.20 The question submitted must be:

1.21 "Shall the Minnesota Constitution be amended to provide that the state of Minnesota
1.22 agrees to enter into the Agreement Among the States to Elect the President by National

2.1 Popular Vote and, once the necessary number of states have joined the agreement, to  
2.2 designate the state's electoral votes based on the national popular vote winner?

2.3 Yes .....

2.4 No ..... "

2.5 (b) This article is effective January 1, 2022, or upon the agreement taking effect as  
2.6 provided in section 1, whichever is later.

2.7 **ARTICLE 2**

2.8 **NATIONAL POPULAR VOTE ENABLING LEGISLATION**

2.9 Section 1. **[208.051] AGREEMENT AMONG THE STATES TO ELECT THE**  
2.10 **PRESIDENT BY NATIONAL POPULAR VOTE.**

2.11 The Agreement Among the States to Elect the President by National Popular Vote is  
2.12 enacted into law and entered into with all other states legally joining in the agreement in  
2.13 substantially the following form:

2.14 Article I - Membership

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

2.17 Article II - Right of the People in Member States to

2.18 Vote for President and Vice President

2.19 Each member state shall conduct a statewide popular election for president and vice  
2.20 president of the United States.

2.21 Article III - Manner of Appointing Presidential Electors in Member States

2.22 Prior to the time set by law for the meeting and voting by the presidential electors, the  
2.23 chief election official of each member state shall determine the number of votes for each  
2.24 presidential slate in each state of the United States and in the District of Columbia in which  
2.25 votes have been cast in a statewide popular election and shall add the votes together to  
2.26 produce a "national popular vote total" for each presidential slate. The chief election official  
2.27 of each member state shall designate the presidential slate with the largest national popular  
2.28 vote total as the "national popular vote winner." The presidential elector certifying official  
2.29 of each member state shall certify the appointment in that official's own state of the elector  
2.30 slate nominated in that state in association with the national popular vote winner. At least  
2.31 six days before the day fixed by law for the meeting and voting by the presidential electors,  
2.32 each member state shall make a final determination of the number of popular votes cast in

3.1 the state for each presidential slate and shall communicate an official statement of the  
 3.2 determination within 24 hours to the chief election official of every other member state.  
 3.3 The chief election official of each member state shall treat as conclusive an official statement  
 3.4 containing the number of popular votes in a state for each presidential slate made by the  
 3.5 day established by federal law for making a state's final determination conclusive as to the  
 3.6 counting of electoral votes by Congress. In the event of a tie for the national popular vote  
 3.7 winner, the presidential elector certifying official of each member state shall certify the  
 3.8 appointment of the elector slate nominated in association with the presidential slate receiving  
 3.9 the largest number of popular votes within that official's own state. If for any reason the  
 3.10 number of presidential electors nominated in a member state in association with the national  
 3.11 popular vote winner is less than or greater than that state's number of electoral votes, the  
 3.12 presidential candidate on the presidential slate that has been designated as the national  
 3.13 popular vote winner shall have the power to nominate the presidential electors for that state  
 3.14 and that state's presidential elector certifying official shall certify the appointment of the  
 3.15 nominees. The chief election official of each member state shall immediately release to the  
 3.16 public all vote counts or statements of votes as they are determined or obtained. This article  
 3.17 shall govern the appointment of presidential electors in each member state in any year in  
 3.18 which this agreement is in effect on July 20 in states cumulatively possessing a majority of  
 3.19 the electoral votes.

#### 3.20 Article IV - Other Provisions

3.21 This agreement takes effect when states cumulatively possessing a majority of the  
 3.22 electoral votes have enacted this agreement in substantially the same form and the enactments  
 3.23 by the states have taken effect in each state. Any member state may withdraw from this  
 3.24 agreement, except that a withdrawal occurring six months or less before the end of a  
 3.25 president's term shall not become effective until a president or vice president is qualified  
 3.26 to serve the next term. The chief executive of each member state shall promptly notify the  
 3.27 chief executive of all other states of when this agreement has been enacted and has taken  
 3.28 effect in that official's state, when the state has withdrawn from this agreement, and when  
 3.29 this agreement takes effect generally. This agreement shall terminate if the electoral college  
 3.30 is abolished. If any provision of this agreement is held invalid, the remaining provisions  
 3.31 shall not be affected.

#### 3.32 Article V - Definitions

3.33 For purposes of this agreement:

4.1 (1) "chief executive" means the governor of a state of the United States or the mayor of  
4.2 the District of Columbia;

4.3 (2) "elector slate" means a slate of candidates who have been nominated in a state for  
4.4 the position of presidential elector in association with a presidential slate;

4.5 (3) "chief election official" means the state official or body that is authorized to certify  
4.6 the total number of popular votes for each presidential slate;

4.7 (4) "presidential elector" means an elector for president and vice president of the United  
4.8 States;

4.9 (5) "presidential elector certifying official" means the state official or body that is  
4.10 authorized to certify the appointment of the state's presidential electors;

4.11 (6) "presidential slate" means a slate of two persons, the first of whom has been nominated  
4.12 as a candidate for president of the United States and the second of whom has been nominated  
4.13 as a candidate for vice president of the United States, or any legal successors to those persons,  
4.14 regardless of whether both names appear on the ballot presented to the voter in a particular  
4.15 state;

4.16 (7) "state" means a state of the United States and the District of Columbia; and

4.17 (8) "statewide popular election" means a general election in which votes are cast for  
4.18 presidential slates by individual voters and counted on a statewide basis.

4.19 **Sec. 2. EFFECTIVE DATE.**

4.20 If the constitutional amendment in article 1 is approved by the voters at the 2020 general  
4.21 election, this article is effective January 1, 2022, or upon the agreement taking effect as  
4.22 provided in section 1, whichever is later.