

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0462.01 Alison Killen x4350

HOUSE BILL 25-1102

HOUSE SPONSORSHIP

DeGraaf, Barron, Caldwell

SENATE SPONSORSHIP

(None),

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE REPEAL OF THE AGREEMENT AMONG THE STATES TO
102 ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Section 1 of the bill repeals the agreement among the states to elect the president by national popular vote. **Section 2** makes a conforming amendment.

1 *Be it enacted by the General Assembly of the State of Colorado:*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

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

5 ~~At least six days before the day fixed by law for the meeting and~~
6 ~~voting by the presidential electors, each member state shall make a final~~
7 ~~determination of the number of popular votes cast in the state for each~~
8 ~~presidential slate and shall communicate an official statement of such~~
9 ~~determination within 24 hours to the chief election official of each other~~
10 ~~member state.~~

11 ~~The chief election official of each member state shall treat as~~
12 ~~conclusive an official statement containing the number of popular votes~~
13 ~~in a state for each presidential slate made by the day established by~~
14 ~~federal law for making a state's final determination conclusive as to the~~
15 ~~counting of electoral votes by Congress.~~

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

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

1 ~~States or the Mayor of the District of Columbia;~~

2 ~~"Elector slate" shall mean a slate of candidates who have been~~
3 ~~nominated in a state for the position of presidential elector in association~~
4 ~~with a presidential slate;~~

5 ~~"Chief election official" shall mean the state official or body that~~
6 ~~is authorized to certify the total number of popular votes for each~~
7 ~~presidential slate;~~

8 ~~"Presidential elector" shall mean an elector for President and Vice~~
9 ~~President of the United States;~~

10 ~~"Presidential elector certifying official" shall mean the state~~
11 ~~official or body that is authorized to certify the appointment of the state's~~
12 ~~presidential electors;~~

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

19 ~~"State" shall mean a State of the United States and the District of~~
20 ~~Columbia; and~~

21 ~~"Statewide popular election" shall mean a general election in~~
22 ~~which votes are cast for presidential slates by individual voters and~~
23 ~~counted on a statewide basis.~~

24 **24-60-4003. Reaffirmation of Colorado law.** ~~When the~~
25 ~~agreement among the states to elect the president by national popular vote~~
26 ~~becomes effective as provided in article IV of the agreement and governs~~
27 ~~the appointment of presidential electors as provided in article III of the~~

1 ~~agreement, each presidential elector shall vote for the presidential~~
2 ~~candidate and, by separate ballot, vice-presidential candidate nominated~~
3 ~~by the political party or political organization that nominated the~~
4 ~~presidential elector.~~

5 **24-60-4004. Conflicting provisions of law.** ~~When the agreement~~
6 ~~among the states to elect the president by national popular vote becomes~~
7 ~~effective as provided in article IV of the agreement and governs the~~
8 ~~appointment of presidential electors as provided in article III of the~~
9 ~~agreement, this part 40 shall supersede any conflicting provisions of~~
10 ~~Colorado law.~~

11 **SECTION 2.** In Colorado Revised Statutes, 1-13-725, **amend**
12 (1)(b) and (1)(c) as follows:

13 **1-13-725. False slate of presidential electors - penalties.**

14 (1) (b) A person who knowingly signs, files, transmits, or records with
15 the secretary of state, the archivist of the United States, the president of
16 the United States senate, the United States congress, or a Colorado federal
17 district court judge a list of presidential electors who voted for candidates
18 for president and vice president of the United States who did not receive
19 the highest number of votes in the state at a general election at which the
20 offices of president and vice president of the United States were contested
21 commits offering of a false instrument for recording as set forth in section
22 18-5-114. ~~If the interstate compact, "Agreement Among the States to~~
23 ~~Elect the President by National Popular Vote", described in part 40 of~~
24 ~~article 60 of title 24, is in effect and the state's electoral votes are awarded~~
25 ~~to the winner of the national popular vote, the provisions of this~~
26 ~~subsection (1)(b) shall apply to individuals who sign, file, transmit, or~~
27 ~~record a list of presidential electors who voted for candidates for~~

1 ~~president and vice president of the United States who the secretary of~~
2 ~~state did not designate as the national popular vote winner.~~

3 (c) A person who has not been elected as a presidential elector in
4 a general election and who knowingly votes as a presidential elector for
5 candidates for president and vice president of the United States who did
6 not receive the highest number of votes in the state at a general election
7 at which the offices of president and vice president of the United States
8 were contested, or who inputs information into a form, certificate, or
9 other paper or document required of presidential electors that was not
10 provided by the secretary of state pursuant to section 1-4-304 commits
11 forgery as set forth in section 18-5-102. ~~If the interstate compact,~~
12 ~~"Agreement Among the States to Elect the President by National Popular~~
13 ~~Vote", described in part 40 of article 60 of title 24, is in effect and the~~
14 ~~state's electoral votes are awarded to the winner of the national popular~~
15 ~~vote, the provisions of this subsection (1)(c) shall apply to a person who~~
16 ~~knowingly votes as a presidential elector for candidates for president and~~
17 ~~vice president of the United States who the secretary of state did not~~
18 ~~designate as the national popular vote winner.~~

19 **SECTION 3. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly; except
22 that, if a referendum petition is filed pursuant to section 1 (3) of article V
23 of the state constitution against this act or an item, section, or part of this
24 act within such period, then the act, item, section, or part will not take
25 effect unless approved by the people at the general election to be held in
26 November 2026 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.