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

(None),

SENATE SPONSORSHIP

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 <u>http://leg.colorado.gov.</u>)

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:

1	SECTION 1. In Colorado Revised Statutes, repeal part 40 of
2	article 60 of title 24 as follows:
3	24-60-4001. Short title. The short title of this part 40 is the
4	"Agreement Among the States to Elect the President by National Popular
5	Vote".
6	24-60-4002. Execution of agreement. The agreement among the
7	states to elect the President by national popular vote is hereby enacted
8	into law and entered into with all jurisdictions legally joining therein, in
9	the form substantially as follows:
10	ARTICLE I MEMBERSHIP
11	Any State of the United States and the District of Columbia may
12	become a member of this agreement by enacting this agreement.
13	ARTICLE II RIGHT OF THE PEOPLE IN MEMBER STATES TO
14	VOTE FOR PRESIDENT AND VICE PRESIDENT
15	Each member state shall conduct a statewide popular election for
16	President and Vice President of the United States.
17	ARTICLE III MANNER OF APPOINTING
18	PRESIDENTIAL ELECTORS IN MEMBER STATES
19	Prior to the time set by law for the meeting and voting by the
20	presidential electors, the chief election official of each member state shall
21	determine the number of votes for each presidential slate in each State of
22	the United States and in the District of Columbia in which votes have
23	been cast in a statewide popular election and shall add such votes together
24	to produce a "national popular vote total" for each presidential slate.
25	The chief election official of each member state shall designate the
26	presidential slate with the largest national popular vote total as the
27	"national popular vote winner."

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.

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.

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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.

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ARTICLE IV -- OTHER PROVISIONS

9 This agreement shall take effect when states cumulatively 10 possessing a majority of the electoral votes have enacted this agreement 11 in substantially the same form and the enactments by such states have 12 taken effect in each state.

Any member state may withdraw from this agreement, except that
 a withdrawal occurring six 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.

17 The chief executive of each member state shall promptly notify the 18 chief executive of all other states of when this agreement has been 19 enacted and has taken effect in that official's state, when the state has 20 withdrawn from this agreement, and when this agreement takes effect 21 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 affected.

- 25 ARTICLE V -- DEFINITIONS
 26 For purposes of this agreement,
- 27 "Chief executive" shall mean the Governor of a State of the United

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: "Presidential elector certifying official" shall mean the state 10 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 whom has been nominated as a candidate for President of the United 14 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

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

SECTION 2. In Colorado Revised Statutes, 1-13-725, amend
(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 2 president and vice president of the United States who the secretary of 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.