

Subject Interstate Compact; National Popular Vote for President

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Overview

This bill would enact an interstate compact related to electing the president and vice president by popular vote into Minnesota law. As of April 2021, 16 states totaling 195 electoral votes have enacted the compact. States representing a total of 270 electoral votes are required for the compact to take effect.

General background on interstate compacts

An interstate compact is both a statute in each state which is a member to the compact, and a contract between the member states. In order to formally ratify the compact, each state that wishes to become a party to the compact must adopt identical statutory language.

Amendments to the compact must be ratified by all states that are party to the compact, unless otherwise provided in the agreement (amendment procedures are not provided in this compact). If the terms of the compact are amended in a state's legislative process, the state is not a party to the compact unless other member states agree to the amendment.

Summary of this proposed compact

Under the proposed compact, each member state would allocate its electoral votes to the winner of the nationwide popular vote for president. A final determination of the number of votes cast in each state for president is required no later than six days prior to the meeting date for the electoral college. Each state must communicate its vote total to all other states within 24 hours of determination. All vote counts must be made public.

In the event of a tie in the national popular vote total, the electors from each member state would be allocated based on the popular vote totals in that state.

A state may withdraw from the compact, but a withdrawal that occurs during the last six months of a president's term in office is not effective until after a

president and vice president are qualified for the next succeeding term. If a withdrawal reduces the number of states participating in the compact so that there is no longer a majority of electoral votes represented, the compact's requirements would not apply again until a majority is achieved, as of July 20 in any year.

Summary

Section	Description
1	State Canvassing Board. Amends provisions governing the role of the State Canvassing Board in certifying the election of Minnesota's presidential electors and alternates, if the National Popular Vote Interstate Compact is in effect.
2	Agreement Among the States to Elect the President by National Popular Vote. Enacts the full text of the National Popular Vote Interstate Compact into Minnesota law.
3	Conflict of laws. Provides that the terms of the National Popular Vote Interstate Compact supersede any conflicting laws of the state governing the appointment of presidential electors.



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