AN ACT concerning elections; enacting the interstate compact on the agreement among the states to elect the president by national popular vote; amending K.S.A. 2023 Supp. 25-802 and 25-804 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. This act may be cited as the interstate compact on the 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

1. 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.

2. 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."

3. 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.

4. At least six 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 24 hours to the chief election official of each other
member state.

5. 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.

6. In the 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.

7. 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.

8. 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.

9. 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

1. 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.

2. 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.

3. 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.

4. This agreement shall terminate if the electoral college is abolished.

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

ARTICLE V. DEFINITIONS

For purposes of this agreement:
1. "Chief executive" shall mean the governor of a state of the United
States or the mayor of the District of Columbia;
2. "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;
3. "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;
4. "presidential elector" shall mean an elector for president and vice-
resident of the United States;
5. "presidential elector certifying official" shall mean the state official
or body that is authorized to certify the appointment of the state's
presidential electors;
6. "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;
7. "state" shall mean a state of the United States and the District of
Columbia; and
8. "statewide popular election" shall mean a general election in which
votes are cast for presidential slates by individual voters and counted on a
statewide basis.

Sec. 2. K.S.A. 2023 Supp. 25-802 is hereby amended to read as
follows: 25-802. The electors of president and vice-president of the United
States shall convene at the capital of the state on the first Tuesday after the
second Wednesday in December after their election, at the hour of twelve
o'clock at noon of that day. If there shall be any vacancy in the office of
electors, occasioned by death, refusal to act, neglect to attend or other
cause, the electors present shall immediately proceed to fill, by ballot and
by a plurality of votes, such vacancy in the electoral college. When the
electors shall appear, or the vacancies shall have been filled as above
provided, the electors shall proceed to perform the duties required of such
electors by the constitution and laws of the United States. The electors
shall vote for president and vice-president of the United States in
accordance with section 1, and amendments thereto.

Sec. 3. K.S.A. 2023 Supp. 25-804 is hereby amended to read as
follows: 25-804. (a) Each political party that is a recognized political party
in accordance with K.S.A. 25-302a, and amendments thereto, shall adopt
procedures to select presidential electors and select presidential electors in
accordance with such procedures.

(b) (1) The names of the presidential electors for a presidential
candidate of a political party with a state organization shall be certified to
the secretary of state by the chairperson of the state political party.
(2) The names of presidential electors for presidential candidates of a
political party that does not have a state organization shall be certified to
the secretary of state by the chairperson of the national political party.
(3) The names of presidential electors for independent presidential
candidates shall be selected and certified to the secretary of state by the
candidate.
(c) All names of presidential electors shall be certified to the
secretary of state on or before September 1 of the year in which there is a
presidential election.
(d) If the number of presidential electors nominated is less than or
greater than the number of electoral votes for the state, presidential
electors shall be nominated as provided in section 1, and amendments
thereto.
Sec. 4. K.S.A. 2023 Supp. 25-802 and 25-804 are hereby repealed.
Sec. 5. This act shall take effect and be in force from and after its
publication in the statute book.