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AN ACT  
RELATING TO ELECTIONS; ENACTING THE AGREEMENT AMONG THE  
STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE;  
AMENDING THE ELECTION CODE TO CONFORM WITH THE AGREEMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. COMPACT ENACTED AND ENTERED INTO.--The  
"Agreement Among the States to Elect the President by  
National Popular Vote" is enacted into law and entered into  
on behalf of New Mexico with any and all other states legally  
joining therein in a form substantially as follows:

"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

1 Manner of Appointing Presidential Electors in Member States

2 A. Prior to the time set by law for the meeting  
3 and voting by the presidential electors, the chief election  
4 official of each member state shall determine the number of  
5 votes for each presidential slate in each state of the United  
6 States and in the District of Columbia in which votes have  
7 been cast in a statewide popular election and shall add such  
8 votes together to produce a "national popular vote total" for  
9 each presidential slate.

10 B. The chief election official of each member  
11 state shall designate the presidential slate with the largest  
12 national popular vote total as the "national popular vote  
13 winner".

14 C. The presidential elector certifying official of  
15 each member state shall certify the appointment in that  
16 official's own state of the elector slate nominated in that  
17 state in association with the national popular vote winner.

18 D. At least six days before the day fixed by law  
19 for the meeting and voting by the presidential electors, each  
20 member state shall make a final determination of the number  
21 of popular votes cast in the state for each presidential  
22 slate and shall communicate an official statement of such  
23 determination within twenty-four hours to the chief election  
24 official of each other member state.

25 E. The chief election official of each member

1 state shall treat as conclusive an official statement  
2 containing the number of popular votes in a state for each  
3 presidential slate made by the day established by federal law  
4 for making a state's final determination conclusive as to the  
5 counting of electoral votes by congress.

6 F. In event of a tie for the national popular vote  
7 winner, the presidential elector certifying official of each  
8 member state shall certify the appointment of the elector  
9 slate nominated in association with the presidential slate  
10 receiving the largest number of popular votes within that  
11 official's own state.

12 G. If, for any reason, the number of presidential  
13 electors nominated in a member state in association with the  
14 national popular vote winner is less than or greater than  
15 that state's number of electoral votes, the presidential  
16 candidate on the presidential slate that has been designated  
17 as the national popular vote winner shall have the power to  
18 nominate the presidential electors for that state and that  
19 state's presidential elector certifying official shall  
20 certify the appointment of such nominees.

21 H. The chief election official of each member  
22 state shall immediately release to the public all vote counts  
23 or statements of votes as they are determined or obtained.

24 I. This article shall govern the appointment of  
25 presidential electors in each member state in any year in

1 which this agreement is, on July 20, in effect in states  
2 cumulatively possessing a majority of the electoral votes.

#### 3 ARTICLE IV

##### 4 Other Provisions

5 A. This agreement shall take effect when states  
6 cumulatively possessing a majority of the electoral votes  
7 have enacted this agreement in substantially the same form  
8 and the enactments by such states have taken effect in each  
9 state.

10 B. Any member state may withdraw from this  
11 agreement, except that a withdrawal occurring six months or  
12 less before the end of a president's term shall not become  
13 effective until a president or vice president shall have been  
14 qualified to serve the next term.

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

20 D. This agreement shall terminate if the electoral  
21 college is abolished.

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

#### 24 ARTICLE V

##### 25 Definitions

1 For purposes of this agreement:

2 A. "chief executive" shall mean the governor of a  
3 state of the United States or the mayor of the District of  
4 Columbia;

5 B. "elector slate" shall mean a slate of  
6 candidates who have been nominated in a state for the  
7 position of presidential elector in association with a  
8 presidential slate;

9 C. "chief election official" shall mean the state  
10 official or body that is authorized to certify the total  
11 number of popular votes for each presidential slate;

12 D. "presidential elector" shall mean an elector  
13 for president and vice president of the United States;

14 E. "presidential elector certifying official"  
15 shall mean the state official or body that is authorized to  
16 certify the appointment of the state's presidential electors;

17 F. "presidential slate" shall mean a slate of two  
18 persons, the first of whom has been nominated as a candidate  
19 for president of the United States and the second of whom has  
20 been nominated as a candidate for vice president of the  
21 United States, or any legal successors to such persons,  
22 regardless of whether both names appear on the ballot  
23 presented to the voter in a particular state;

24 G. "state" shall mean a state of the United States  
25 and the District of Columbia; and

1           H. "statewide popular election" shall mean a  
2 general election in which votes are cast for presidential  
3 slates by individual voters and counted on a statewide  
4 basis."

5           **SECTION 2.** Section 1-15-4 NMSA 1978 (being Laws 1969,  
6 Chapter 240, Section 354) is amended to read:

7           "1-15-4. PRESIDENTIAL ELECTORS--ELECTION.--

8           A. The names of the presidential elector nominees  
9 shall not be placed upon the general election ballot;  
10 instead, the secretary of state shall certify to the county  
11 clerks the names of persons nominated by each qualified  
12 political party for the offices of president and vice  
13 president of the United States.

14           B. The names of the nominees for president and  
15 vice president for each qualified political party shall be  
16 printed together in pairs upon the general election ballot.  
17 A vote for any pair of nominees shall be a vote for the  
18 presidential electors of the political party by which the  
19 nominees were named.

20           C. Except as provided in Subsection D of this  
21 section, presidential elector nominees of the party whose  
22 nominees for president and vice president receive the highest  
23 number of votes at the general election shall be the elected  
24 presidential electors for this state, and each shall be  
25 granted a certificate of election by the state canvassing

1 board.

2 D. If the Agreement Among the States to Elect the  
3 President by National Popular Vote is in effect in accordance  
4 with Article III, Subsection I of that compact, the state  
5 canvassing board shall grant a certificate of election to the  
6 presidential elector nominees of the party whose nominees for  
7 president and vice president receive the largest national  
8 popular vote total in the general election." \_\_\_\_\_

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