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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 70
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Leland

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Summary

- Adopts the “Agreement Among the States to Elect the President by National Popular Vote” and makes Ohio a member state to the Agreement.
- Provides that the Agreement takes effect when enough member states cumulatively possessing a majority of the electoral votes have enacted the Agreement in substantially the same form.
- Requires the Secretary of State to determine the number of votes for each presidential slate in Ohio and add those votes together to produce a “national popular vote total” for each presidential slate.
- Requires the Secretary to designate the presidential slate with the largest national popular vote total as the “national popular vote winner.”
- Allows Ohio to withdraw from the Agreement, however, a withdrawal that occurs six months or less before the end of a President's term will not be effective until a President is qualified to serve the next term.
- Requires the Governor to notify the Governors of all other member states, or Mayor for the District of Columbia, when Ohio adopts or withdraws from the Agreement.
- Provides that the Agreement is terminated if the Electoral College is abolished.

Detailed Analysis

Agreement Among the States to Elect the President by National Popular Vote

Purpose

The purpose of the “Agreement Among the States to Elect The President by National Popular Vote” is to elect the President and Vice President of the United States based upon the national popular vote. Under the Agreement, the member states, including Ohio, agree to

pledge all of their states' electoral votes to the Presidential candidate who wins the nationwide popular vote. Under current law, Ohio pledges all of its electoral votes to the joint candidates for President and Vice President who win the statewide popular vote.

Membership

The bill adopts the Agreement and makes Ohio a member state to the Agreement. Any state, including the District of Columbia, may become a member state. The Agreement takes effect when enough states cumulatively possessing the majority of electoral votes, 270 votes, adopt a substantially similar Agreement. A member state may withdraw from the Agreement any time, except that if the withdrawal occurs six months or less before the end of a President's term, the withdrawal is not effective until a President or Vice President is qualified to serve the next term.

A Governor of a member state must promptly notify the Governors of other member states, or Mayor of the District of Columbia, when the Governor's state adopts the Agreement, the Agreement takes effect in the Governor's state, the state withdraws from the Agreement, or the Agreement takes effect nationally. The Agreement automatically terminates if the Electoral College is abolished.

Election official duties

The Secretary of State must determine the number of votes for each presidential slate (see "**Definitions**," below) in which the votes cast have been cast in a statewide popular election. The Secretary must add the votes together to produce a national popular vote total for each presidential slate. The presidential slate with the largest national popular vote total is the national popular vote winner of that state and is then certified as such.

At least six days before, but not less than 24 hours before, the meeting of the presidential electors, the Secretary must make a final determination of the number of popular votes cast in the state for each presidential slate and communicate that through an official statement to every Secretary or chief election official of each member state. The votes and official statement must be immediately released to the public as they become available.

If there is a tie for the national popular vote winner, the presidential elector certifying official (see "**Definitions**," below) of each member state must certify the electoral slate (see "**Definitions**," below) associated with the presidential slate that received the largest number of popular votes in the official's own state.

Definitions

Under the bill:

"Presidential slate" means 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.

"Presidential elector certifying official" means the state official or body that is authorized to certify the appointment of the state's presidential electors.

“**Electoral slate**” means a slate of candidates who have been nominated in a state for the position of presidential elector in association with a presidential slate.¹

History

Action	Date
Introduced	02-14-19

H0070-I-133/ts

¹ R.C. 3505.381, 3505.39, 3505.40, and 3505.10(B); R.C. 3505.23, 3513.11, and 3513.257, not in the bill.