

Proposition 113: Adopt Agreement to Elect U.S. President By National Popular Vote

1 **Proposition 113, if approved, would:**

- 2 • enter Colorado into an agreement among states to elect the President of the
3 United States by a national popular vote once enough states join the National
4 Popular Vote Interstate Compact.

5 **What Your Vote Means**

YES

A "yes" vote on Proposition 113 approves a bill passed by the legislature and signed by the Governor joining Colorado with other states as part of an agreement to elect the President of the United States by national popular vote if enough states enter the agreement.

NO

A "no" vote on Proposition 113 rejects a bill passed by the legislature and signed by the Governor and retains Colorado's current system of awarding all of its electors for the President of the United States to the winner of the Colorado popular vote.

Legislative Council Draft

1 **Summary and Analysis for Proposition 113**

2 **What is the National Popular Vote Interstate Compact?**

3 The National Popular Vote Interstate Compact is an agreement among participating
4 states to ensure that the presidential candidate who wins the most votes nationwide
5 is elected President. States that join the agreement commit to awarding all of their
6 state's electoral votes to the candidate who receives the most popular votes
7 nationwide once the agreement becomes binding. The agreement only becomes
8 binding when participating states represent more than half of all electoral votes, at
9 least 270 of the total 538 votes in the Electoral College. This ensures that the
10 candidate who wins the most votes nationwide is also elected by the Electoral
11 College, since a majority of electoral votes will go to the winner of the national
12 popular vote.

13 If Proposition 113 is approved by voters, Colorado will be the fifteenth state, plus the
14 District of Columbia, to join the agreement, bringing the number of committed
15 electoral votes to 196, short of the 270 needed.

16 **What happens if Proposition 113 passes?**

17 Until enough states join the agreement, Colorado will continue to award its electoral
18 votes to the winner of the state's popular vote. Thus, this measure will have no
19 effect on the 2020 presidential election. If the agreement goes into effect, because
20 states with enough electoral votes join it in the future, this measure would require
21 Colorado's presidential electors to vote for the winner of the national popular vote,
22 regardless of which candidate wins the most votes in Colorado.

23 **How is the President of the United States elected now?**

24 Individual voters in the states vote for a ticket consisting of the President and Vice
25 President of the United States. The tally of individual votes is known as the popular
26 vote. The President is then elected by the 538 members of the Electoral College,
27 known as electors. The popular vote in each state determines which candidate the
28 state's electors will vote for in the Electoral College.

29 Each December after a presidential election, the electors cast votes to elect the
30 President and Vice President. Each state receives a number of electors equal to the
31 total of its Senators and Representatives in Congress, plus the District of Columbia
32 receives three electors. Every state has two Senators and a number of
33 Representatives based on the state's population at the last census. Colorado has
34 two Senators and currently has seven Representatives, for a total of nine electors.
35 Individual electors are chosen by the political parties in each state.

36 To win the presidential election, a candidate must receive a majority of electoral
37 votes, at least 270 out of the 538. Under Article II, Section 1 of the U.S. Constitution,
38 each state's legislature determines how to award its electoral votes. In all but two
39 states (Maine and Nebraska), all of the state's electoral votes are allocated to the
40 candidate who wins the most votes in the state. If no candidate receives a majority
41 in the Electoral College, the House of Representatives chooses the President and
42 the Senate chooses the Vice President, although this has not occurred since 1824.

43 Throughout the history of the United States, there have been five elections in which
44 the national popular vote and the Electoral College vote have diverged. Two of these
45 elections were in 2000 and 2016, while the other three occurred in the 1800s.

Legislative Council Draft

1 **Why is Proposition 113 on the ballot?**

2 The General Assembly passed, and the Governor signed, Senate Bill 19-042 during
3 the 2019 legislative session. This measure is the result of a referendum petition, a
4 right reserved under the Colorado Constitution that allows citizens to place a bill
5 passed by the General Assembly on the statewide ballot. A referendum petition can
6 be filed against any bill passed by the Colorado legislature, unless the General
7 Assembly declares that the bill is necessary to preserve public peace, health, and
8 safety. Proposition 113 consists of the text of Senate Bill 19-042, and if it passes,
9 the bill remains state law. If Proposition 113 is rejected, this text will be removed
10 from state law. This measure is on the ballot because enough signatures were
11 collected to refer the bill to voters.

For information on those issue committees that support or oppose the measures on the ballot at the November 3, 2020, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

12 **Arguments For Proposition 113**

- 13 1) A national popular vote for President advances the democratic principle of one
14 person, one vote, and ensures that votes in every community count equally. The
15 national popular vote for President could also encourage candidates to campaign
16 in a way that addresses the concerns of voters in all 50 states. The current
17 system places too much importance on just a few competitive states where
18 candidates focus almost all of their attention and campaign efforts. Candidates
19 should reach out to voters wherever they live and take positions on issues that
20 affect all parts of the country. The national popular vote gives all voters an equal
21 impact on the outcome of the election, regardless of where they live or whether
22 their state's final vote count might be close.
- 23 2) The President of the United States should be the person who gets the most
24 popular votes nationwide. Five times in our country's history, including twice in
25 the last 20 years, a candidate has won the presidential election despite losing the
26 popular vote. A "yes" vote on Proposition 113 is an important step toward
27 making sure this cannot happen in the future. Recent history demonstrates that
28 when the results are close in even a few states, it is easy for the Electoral
29 College vote to not reflect the national popular vote.

Legislative Council Draft

1 **Arguments Against Proposition 113**

2 1) Colorado should cast its electoral votes for the candidate who obtains the most
3 votes in Colorado. If the agreement goes into effect, Colorado's presidential
4 electors would be obligated to vote for whomever wins the national popular vote,
5 even if that candidate did not win the majority of votes in the state. Further, a
6 national popular vote may encourage candidates to focus their campaigns in
7 large population centers where they can efficiently reach more voters. In this
8 process, all Coloradans risk having the unique regional issues they care about
9 lose out to the interests of a few large cities in a few large states.

10 2) This agreement attempts to sidestep the U.S. Constitution and could lead to
11 disruptions in our electoral system. Rather than amend the U.S. Constitution to
12 implement a true national popular vote, the compact relies on legal agreements
13 between member states, which have different election requirements and policies,
14 to ensure that their electors will vote the way the compact demands. In addition,
15 in a close election run by 50 separate states, trying to determine who won the
16 national popular vote could lead to recounts and litigation in every state, delaying
17 results, causing confusion, and eroding confidence in our electoral system.

18

19 **Estimate of Fiscal Impact for Proposition 113**

20 **No fiscal impact.** Proposition 113 is assessed as having no fiscal impact. The
21 Secretary of State is responsible for certifying presidential electors, and this bill does
22 not change the process by which this is done. Therefore, the measure does not
23 affect the revenue, spending, or workload of any state or local government entity.

Senate Bill 19-042: Adopt Agreement to Elect U.S. President By National Popular Vote

1 **Proposition ? proposes amending the Colorado statutes to:**

- 2 • enter Colorado into an agreement among states to elect the President of the
3 United States by a national popular vote once enough states join the National
4 Popular Vote Interstate Compact.

5 **What Your Vote Means**

YES

A "yes" vote on Proposition ? means Colorado would join

other states as part of the National Popular Vote Interstate Compact, an agreement to elect the President of the United States by national popular vote if enough states enter the compact.

NO

A "no" vote on Proposition ? retains Colorado's current system of awarding all of its

electors for the President of the United States to the winner of the Colorado popular vote.

Last Draft as Mailed to Interested Parties

1 **Summary and Analysis for Proposition ?**

2 **What is the National Popular Vote Interstate Compact?**

3 The National Popular Vote Interstate Compact is an agreement among participating
4 states to ensure that the presidential candidate who wins the most votes nationwide
5 is elected President. States that join the agreement commit to awarding all of their
6 state's electoral votes to the candidate who receives the most popular votes
7 nationwide once the agreement becomes binding. The agreement only becomes
8 binding when participating states represent more than half of all electoral votes, at
9 least 270 of the total 538 votes in the Electoral College. This ensures that the
10 candidate who wins the most votes nationwide is also elected by the Electoral
11 College, since a majority of electoral votes will go to the winner of the national
12 popular vote.

13 If Proposition ? is approved by voters, Colorado will be the fifteenth state, plus the
14 District of Columbia, to join the agreement, bringing the number of committed
15 electoral votes to 196, short of the 270 needed.

16 **What happens if Proposition ? passes?**

17 Until enough states join the agreement, Colorado will continue to award its electoral
18 votes to the winner of the state's popular vote. Thus, this measure will have no
19 effect on the 2020 presidential election. If the compact becomes binding, because
20 states with enough electoral votes join it in the future, this measure would require
21 Colorado's presidential electors to vote for the winner of the national popular vote,
22 regardless of which candidate wins the most votes in Colorado.

23 **How is the President of the United States elected now?**

24 Individual voters in the states vote for a ticket consisting of the President and Vice
25 President of the United States. The tally of individual votes is known as the popular
26 vote. The President is then elected by the 538 members of the Electoral College,
27 known as electors. The popular vote in each state determines which candidate the
28 state's electors will vote for in the Electoral College.

29 Each December after a presidential election, the electors cast votes to elect the
30 President and Vice President. Each state receives a number of electors equal to the
31 total of its Senators and Representatives in Congress, plus the District of Columbia
32 receives three electors. Every state has two Senators and a number of
33 Representatives based on the state's population at the last census. Colorado has
34 two Senators and currently has seven Representatives, for a total of nine electors.
35 Individual electors are chosen by the political parties in each state.

36 To win the presidential election, a candidate must receive a majority of electoral
37 votes, at least 270 out of the 538. Under Article II, Section 1 of the U.S. Constitution,
38 each state's legislature determines how to award its electoral votes. In all but two
39 states (Maine and Nebraska), all of the state's electoral votes are allocated to the
40 candidate who wins the most votes in the state. If no candidate receives a majority
41 in the Electoral College, the House of Representatives chooses the President and
42 the Senate chooses the Vice President, although this has not occurred since 1824.

43 Throughout the history of the United States, there have been five elections in which
44 the national popular vote and the Electoral College vote have diverged. Two of these
45 elections were in 2000 and 2016, while the other three occurred in the 1800s.

Last Draft as Mailed to Interested Parties

1 Why is Proposition ? on the ballot?

2 The General Assembly passed, and the Governor signed, Senate Bill 19-042 during
3 the 2019 legislative session. This proposition is the result of a referendum petition, a
4 right reserved under the Colorado Constitution that allows citizens to place a bill
5 passed by the General Assembly on the statewide ballot. A referendum petition can
6 be filed against any bill passed by the Colorado legislature, unless the General
7 Assembly declares that the bill is necessary to preserve public peace, health, and
8 safety. Proposition ? consists of the text of Senate Bill 19-042. This measure is on
9 the ballot because enough signatures were collected to refer the bill to voters.

For information on those issue committees that support or oppose the measures on the ballot at the November 3, 2020, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

10 Arguments For Proposition ?

- 11 1) A national popular vote for President advances the democratic principle of one
12 person, one vote, and ensures that votes in every community count equally. The
13 national popular vote for President could also encourage candidates to campaign
14 in the interests of all 50 states. The current system places too much importance
15 on just a few competitive states where candidates focus almost all of their
16 attention and campaign efforts. Candidates should reach out to voters wherever
17 they live and take positions on issues that affect all parts of the country. The
18 national popular vote gives all voters an equal impact on the outcome of the
19 election, regardless of where they live or whether their state's final vote count
20 might be close.
- 21 2) The President of the United States should be the person who gets the most
22 popular votes nationwide. Five times in our country's history, including twice in
23 the last 20 years, a candidate has won the presidential election despite losing the
24 popular vote. A "yes" vote on Proposition ? is an important step toward making
25 sure this cannot happen in the future. Recent history demonstrates that when
26 the results are close in even a few states, it is easy for the Electoral College to
27 yield a result different from the way the people actually voted.

Last Draft as Mailed to Interested Parties

1 **Arguments Against Proposition ?**

2 1) Colorado should cast its electoral votes for the candidate who obtains the most
3 votes in Colorado. If the compact goes into effect, Colorado's presidential
4 electors would be obligated to vote for whomever wins the national popular vote,
5 even if that candidate did not win the majority of votes in the state. Further, a
6 national popular vote may encourage candidates to focus their campaigns in
7 large population centers where they can efficiently reach more voters. In this
8 process, all Coloradans risk having the unique regional issues they care about
9 lose out to the interests of a few large cities in a few large states.

10 2) This agreement attempts to sidestep the U.S. Constitution and could lead to
11 disruptions in our electoral system. Rather than amend the U.S. Constitution to
12 implement a true national popular vote, the compact relies on legal agreements
13 between member states, which have different election requirements and policies,
14 to ensure that their electors will vote the way the compact demands. In addition,
15 in a close election run by 50 separate states, trying to determine who won the
16 national popular vote could lead to recounts and litigation in every state, delaying
17 results, causing confusion, and eroding confidence in our electoral system.

18 **Estimate of Fiscal Impact of Proposition ?**

19 This proposition is assessed as having no fiscal impact. The Secretary of State is
20 responsible for certifying presidential electors, and this bill does not change the
21 process by which this is done. Therefore, the proposition does not affect the
22 revenue, expenditures, or workload of any state or local government entity.

Last Draft Comments from Interested Parties

Proposition 113 Adopt Agreement to Elect U.S. President By National Popular Vote

John Andrews, representing himself:

I agree in full with the comments, concerns, and requested changes submitted by Douglas Bruce.

Representative Jeni Arndt, Senator Mike Foote, and Representative Emily Sirota, representing themselves as prime sponsors of Senate Bill 19-042:

Dear Legislative Council staff:

We, the bill sponsors of SB19-042, once again would like to thank you for including us in your discussions about the blue book text and would like to submit the following comments regarding the third blue book draft dated June 29, 2020.

We agree with and appreciate many of the changes that have been made to the drafts up to this point. We would like to make only two other suggestions.

First, we would like to reiterate our desire to see most, if not all, of the references to the National Popular Vote “compact” changed to “agreement” or “agreement among the states.” We believe that language correctly parallels SB19-042 and more accurately describes the mechanism of the arrangement. The term “compact” is often used as colloquial shorthand but that word was never used in SB19-042. We do appreciate the change in the title on the first page to reflect that fact.

Second, we believe the first page of the blue book ballot measure summary should include the necessary context of the ballot measure. Here is our proposed language revision:

What your vote means: A "yes" vote on Proposition ? means Colorado approves the decision of the legislature and the Governor to ~~would~~ join other states as part of the National Popular Vote Interstate Compact, an agreement to elect the President of the United States by national popular vote if enough states enter the compact.

We urge you to adopt this revision. It is appropriate for three reasons: (1) it closely corresponds to the language of the ballot measure (e.g. “shall the following Act of the General Assembly be approved...”) and helps tie the actual ballot language and the blue book explanation together; (2) it mirrors the description accurately written in another place much farther into the document – page 3, lines 1-9 – but not as likely to be read by as many voters; and (3) it provides essential context for the existence of the ballot measure.

The language as it stands now is likely to leave voters with the incorrect impression that the National Popular Vote is a citizens’ initiative or legislatively referred measure designed to place something into Colorado law that is not currently there. Obviously,

Last Draft Comments from Interested Parties

Representative Jeni Arndt, Senator Mike Foote, and Representative Emily Sirota, representing themselves as prime sponsors of Senate Bill 19-042 (cont.):

the National Popular Vote ballot measure is the exact opposite. It is a referendum to strike something out of statute that the majority of the legislature already voted for and the Governor signed. This is not a distinction without a difference and it is likely to play a role in voters' perception of the ballot measure. Something vetted, debated, and passed by the legislature and signed by the Governor will have different connotations to some voters than a ballot measure not similarly scrutinized by the legislative process and executive branch.

Thank you for considering these comments. As always, we are available for any further discussion deemed appropriate by the Legislative Council during this process.

Dick Brown, representing himself:

I think this draft is probably technically correct – from the perspective of hyper-technicality. I do not think the average voter has enough sophistication with the electoral college to really understand what a yes or no vote means. Nor does the average voter have enough sophistication with respect to the use of a referendum to challenge a law enacted by the General Assembly. The way the provision in the analysis is written, an average voter could easily get confused with yes and no.

I think the whole introductory section needs to be rewritten.

First, just state that the General Assembly enacted the law (and cite the bill number). State what it does in simple straightforward language. Then explain what the referendum would do to that law if it were to pass. If the referendum passes, what happens to the underlying law? If the referendum fails, what happens to the underlying law?

Another way to state that is to simply say that if you the voter wish to have Colorado's electoral votes to be cast for the candidate that wins the popular vote in Colorado, which way should you vote on this measure? If you the voter wish to have Colorado's electoral votes to be cast for the candidate that wins the national popular vote regardless of the statewide popular vote, which way should you vote on this measure?

Other Comments

It should be noted in the analysis that if Colorado were to join the national popular vote pact that it is not a permanent change. It is a change that is predicated on the US census and the reapportionment of the US House of Representatives.

The pact is triggered by the participants in the pact constituting in aggregate no fewer than 270 electoral votes. If the aggregate electoral votes fails to reach the trigger of 270, Colorado's electoral votes would be cast with respect to the statewide popular vote. Only if the pact exceeds 270 electoral votes would Colorado's votes be cast based on the national popular vote.

Last Draft Comments from Interested Parties

Dick Brown, representing himself (cont.):

When the US House of Representatives undergoes its decennial reapportionment, the electoral votes allocated to each state can change. Some states gain electoral votes while some states lose electoral votes. Some states do not change at all.

Suppose, now, that the states which have agreed to participate in the pact lose enough electoral votes to fall below the 270-vote threshold. That would seem to nullify the members' votes being cast as a block.

Now suppose that the District of Columbia gains state status. Currently DC has 3 electoral votes even though it is not a state. Those votes were granted by Congress to put DC on a par with the least populous states. Suppose further that DC gains 2 US Senators and 1 Congressman per statehood. It would seem nothing would change in the electoral college. But now suppose that the DC population is such that it gains 2 seats in the House of Representatives. Now DC has 4 electoral votes. How does the reapportionment of the electoral college occur? It is a critical question because the pact is predicated on 270 electoral votes being just over half of the electoral votes.

A similar issue could arise if a US Territory such as Puerto Rico were to gain statehood. Unlike DC, a territory does not have a vote in the electoral college. If Puerto Rico were to become a state, the reapportionment of the US House of Representatives and the electoral college would become factors.

The point of this discussion is that the pact is not necessarily a permanent change. It can change based solely on population and reapportionment.

Which brings me to the pro and con statements. It is not my place to suggest to the proponents or opponents how they should express their respective arguments.

The reality is that the only states that benefit from this change are those that are losing population and hence electoral votes. A state like Colorado that gains an electoral vote does not really benefit from that gain because the new electoral vote means nothing. If 270 electoral votes is the minimum number required to declare which candidate wins the Presidency and if the collective electoral votes among the members of the pact meet or exceed 270, then it does not matter if Colorado has 9 or 10. The outcome is determined by the national popular vote. The pact is a way for a population losing state such as Illinois or New York to maintain influence through the use of phantom electors – those who emigrated to another state.

Casting the Electoral Votes

If the effort to commit Colorado to a multistate presidential popular vote stands, then we do not need any electors at all. The state's electoral votes would for all practical purposes be cast when the results of the popular vote are announced. And, in fact, that is sort of what happens now. When the national media begin to announce which candidate has won a particular state, the reporters display the aggregate popular vote and also the electoral votes on a state-by-state basis. Sometimes these returns are intentionally delayed until the polls close in the most western states.

Last Draft Comments from Interested Parties

Dick Brown, representing himself (cont.):

So, a state that participates in the pool does not need any individual electors. As soon as Wolf Blitzer announces the national popular vote, he is also announcing that Colorado's 9 electoral votes are committed to that candidate. The outcome in Colorado is not relevant beyond its contribution to the national popular vote.

The National Popular Vote

The concept is deceptive in that the voters can easily be led to believe that the national vote is some sort of small town like process. That is not what the underlying statute actually does. The underlying statute does not abolish the electoral college. What the underlying statute does is consolidate electoral power in a few populous states. The big, populous states such as Texas, Florida, California, New York and so on dominate the popular vote. How many Colorado's does it take to be on a population par with California?

It is disingenuous for the proponents to assert that the underlying statute will make campaigning in a small state attractive to a national candidate. That makes no sense on any level. A candidate who must decide on committing financial resources will spend more time in California and Florida than in Colorado. It is hard to do a whistle stop tour from a chartered jet airplane.

If you stop to think about it, the concept makes less and less sense. It only makes financial sense for a candidate to focus on the big population centers – which is distinctly different than focusing on a state. In fact, why would a candidate campaign in a rural lightly populated area when he or she could be working a population center like Los Angeles, New York, or Miami? If a rural state is a participant in the multistate pact, the candidate will get those electoral votes by winning the national aggregate even if the candidate had never set foot in that state or even if that state's popular vote went to the other candidate. If a candidate has \$5,000,000 to spend, it makes sense to spend all \$5,000,000 in California and \$0 in Nevada.

If the underlying statute stands, I foresee more litigation challenging outcomes, procedures and voting irregularities. That is likely to happen anyway given how deeply adversarial the country has become. But when outcomes depend upon the popular vote which is aggregated from a state-by-state count (there is no separate federal office voting booth) the loser will always be motivated to try to change the numbers. Of course, this would only happen in a close election – it would not have helped George McGovern. Suppose an unsuccessful candidate were to mount a challenge. Where would that challenge originate? Presumably, it would be resolved at the US Supreme Court, but what if the Supreme Court decided to let the district court sort out the statistics first?

The Direct Democracy Argument

The proponents of the multistate pact seem to like the illusion that such an arrangement would further a one-person-one-vote direct democracy. They seem to believe that such an outcome is just righteous and fair. The United States was never

Last Draft Comments from Interested Parties

Dick Brown, representing himself (cont.):

designed nor intended to be a direct democracy. It was designed and intended to be a republic, and a representative republic at that.

Let us assume that the direct democracy, popular vote theory had merit. Why, then, would we need a United States Senate? Other than Senators are elected by popular vote, there is no inkling of direct democracy in the Senate composition. Each state, no matter the population, is allocated 2 United States Senators. That is the direct opposite of popular direct democracy. For the theory to be valid for the Presidential election, it must also militate for the abolishment of the United States Senate and the creation of a unicameral Congress with all the members representing population centric districts.

It does not seem to make sense to have a bifurcated system. Either we have a popular direct democracy, or we have some sort of allocated representation that is not rooted in population.

A National Election

If there is merit in having a president who was elected on the outcome of a national vote, then the way to do that is have the US Government set up a separate ballot parallel to but distinct from the state election. The US Government could simply contract with each of the states to include the presidential contest as an item on the state's election ballot. That would be a true national popular vote and it would eliminate the need for the electoral college completely.

Douglas Bruce, representing himself, part I:

Natalie, please call me this afternoon. (719) 550-0010. It is shocking and ironic that your staff picks this time to conspire to violate the U.S. Constitution to please legislators for whom you work. You must insist on another draft. Don't submit to the rioters and anarchists inside and outside the Dome. The Council 2/3rds rule make it near impossible to change your final draft at the September meeting. In this, the first referendum petition in 87 years, you must honor the voice of the people, and the state and federal constitution. Tell the voters the Truth. No matter the repercussion, act like an American. Make this a happy Fourth of July.

1. The U.S. Constitution provides in Article 1, section 10 "No State shall enter into any Treaty, Alliance, or Confederation..." The bill being proposed is ILLEGAL. Colorado cannot enter into an agreement with California or New York. Each state has its own electoral votes granted by the Founding Fathers and cannot cast them for anyone except the person who gets the most votes from COLORADO voters. People in California, which harbors millions of illegal aliens, and allows them to vote in elections, cannot cast Colorado's nine electoral votes.

2. At the end of section 10, the U.S. Constitution says "No State shall, without the Consent of Congress...enter into any Agreement or Compact with another State..."

Last Draft Comments from Interested Parties

This repeats the requirement that agreements between states must have "the Consent of Congress." The proposal is UNCONSTITUTIONAL and in violation of the oath of office taken by every person who voted to steal the votes of Colorado citizens who vote in presidential elections.

3. This illegal deal also violates current Colorado law, which requires its electors to vote for the person who gets the most votes from COLORADO voters.

4. This petition to reject this partisan bill passed by state politicians received over 200,000 signatures. It is the first time since 1933 we have had the chance to reject a state bill. Usually, legislators claim their bills are emergencies and not subject to challenge by Colorado citizens through petitions. Now legislators are asking us to violate the U.S. Constitution as part of their 2020 revolution attacking the rule of law.

5. Staff says this bill "attempts to sidestep the U.S. Constitution." NO, it expressly violates the Constitution. After 2020, all presidential elections may be in doubt, not just for dozens of disputed vote counts, but for legal issues of violating the law by this illegal scheme. It is improper for staff to say the electoral college system is optional. You MUST quote the Constitutional PROHIBITIONS VERBATIM.

6. The current system allows proportional electoral votes on a state-by-state basis. The new scheme allows liberal states like California, New York, and Illinois to dominate those who live and vote in most states, and make their voices meaningless. We are the united States of America, a federal system in which all states have a voice in picking a president. The current system requires a majority vote in the electoral college, so corruption in a few states do not determine the outcome. We cannot allow a lawless, revolutionary mob to nullify our Constitution, which all elected officials and military members took an oath to uphold..

Douglas Bruce, representing himself, part II:

Now you DEFINITELY need to rewrite the draft. SCOTUS just ruled electors MUST vote for the candidate that received the most votes in each state. Votes cannot be assigned by "faithless electors." The vote was 9-to-0. Staff cannot wiggle out of that.

Mark Grueskin, representing himself:

1. Eliminate initial confusing language in describing the measure to voters.

This measure is the first statewide referendum since 1932. Most voters have no idea what a referendum really is. Thus, in describing what "yes" and "no" votes mean, the way in which this measure could affect current law must be clear.

Specifically, voters should know at the outset that a "yes" vote preserves the law that was enacted, whereas a "no" vote overturns that adopted law. Otherwise, it will be just as easy for voters, based on their experience with ballot measures, to assume that by voting yes, they are enacting a new law rather than preserving an existing law. A

Last Draft Comments from Interested Parties

Mark Grueskin, representing himself (cont.):

description of a given ballot measure must “enable the electorate, **whether familiar or unfamiliar** with the subject matter of a particular proposal, to **determine intelligently whether to support or oppose such a proposal.**” *In re Proposed Initiative on Parental Notification of Abortions for Minors*, 794 P.2d 238, 242 (Colo. 1990) (emphasis added).

Also, if the YES/NO summaries aren't clarified, the Blue Book will violate state law. Specifically, C.R.S. 1-40-115(2)(a) provides: “A 'yes/for' vote on any ballot question is a vote in favor of changing current law or existing circumstances.” Thus, a “yes” vote for a referendum would be to “change” current law (i.e., repeal it) or an “existing circumstance” which is prospective participation in an interstate agreement through the legislative change effected by Senate Bill 19-042.

Voters will not actually change existing law by voting “yes” but, instead, will preserve it. In contrast, voters can only change/repeal existing law by voting “no.”

This is particularly pertinent as voters will presume the effect of “yes” and “no” votes, given the votes they have cast before seeing this measure (on legislatively referred measures and constitutional initiatives) and the votes they cast after they vote on this measure (on initiated statutory measures that follow this one). Thus, clarity here is all-important. This portion of the Blue Book should read:

What Your Vote Means

A "yes" vote on Proposition ? means Colorado keeps a recent law passed by the state legislature for electing the President of the United States by national popular vote in all 50 states.

A "no" vote on Proposition ? means Colorado will invalidate the law the legislature passed to elect the President of the United States by means of the national popular vote in all 50 states.

2. “Senate Bill 19-042”

In this same vein, the title to this section that begins “Senate Bill 19-042” will be meaningless to voters or, alternatively, confusing. The bill number has no relevance to the issue – how the President of the United States is elected – that this ballot measure poses. There is no useful voter information conveyed by the bill title. Instead, the current wording should be omitted and replaced with: “**Adopt An Agreement Among the States to Elect U.S. President By National Popular Vote.**”

Last Draft Comments from Interested Parties

Mark Grueskin, representing himself (cont.):

3. "Agreement" vs. "compact"

In comments on the preceding draft, it was pointed out that the bill on which the referendum is based does not use the word, "compact." In response, the legislative staff used "agreement" in several places, consistent with the wording of SB 19-042. However, the current draft also uses "compact" numerous times. This mixing of terms is sure to confuse voters who will have no reason to think that the two are synonyms. Thus, it would be more informative for voters to use "agreement" throughout and to the exclusion of "compact."

4. Slight revisions to "Arguments For Proposition ?"

(A) The current order of the two arguments should be switched. It is more logical to first address the fact that the measure could lead to the election of the President by national popular vote and then voters should learn why this is so (treating all votes as being equal, dispensing with marginalized campaigns that seek to just meet the Electoral College threshold rather than addressing all voters' concerns, etc.).

(B) In what is now the first argument but would be the second argument in light of (A) above, this sentence ends awkwardly with the phrase, "in the interests of all 50 states" – "The national popular vote for President could also encourage candidates to campaign in the interests of all 50 states." We recommend the following change:

The national popular vote for President could also encourage candidates to campaign in a way that addresses the concerns of voters in all 50 states.

Bob Lackner, representing the Office of Legislative Legal Services:

Hello all--

I hope you and yours are well and you all enjoyed a nice holiday weekend!

I have finally read the draft of the Blue Book Analysis for the proposition dealing with SB 42/National Popular Vote.

My apologies for not reading the draft until now. I assume the language I have a question about may have been in the 2 prior drafts.

In any event--my sole question is directed to certain language in the last sentence on page 3, lines 25-27 under "Arguments For."

The sentence currently reads: "Recent history demonstrates that when the results are close in even a few states, it is easy for the Electoral College to yield a result different from the way people actually voted."

Last Draft Comments from Interested Parties

I realize the sentence could be read in different ways but I'm reading it to mean that the outcome is contrary to the way people actually voted which I'm not sure is precisely correct. The Electoral College doesn't change the way electors have cast their votes. In 2016, the Trump victory by means of the Electoral College didn't change how Clinton people voted. No votes were changed. But the result was certainly different from what a straight popular vote process would have yielded. As such, I'm wondering if the sentence shouldn't read something like:

"Recent history demonstrates that when the results are close in even a few states, the Electoral College may yield a different result than would be the case if the presidential election was determined solely by the popular vote."

I'm certainly not suggesting my proposed sentence can't be improved upon. Perhaps I'm getting away from what your intent is with this sentence in the first place. I'm happy to discuss further.

Thanks for soliciting our input and for all your hard work on the Blue Book.

Proposition 113
Adopt Agreement to Elect U.S. President by National Popular Vote
Contact List

| Interested Party | Email Address |
|-------------------------|-------------------------------------|
| J. J. Ament | jj.ament@metrodenver.org |
| Paul Anderson | pandllc@comcast.net |
| Blake Angelo | blake.angelo@gmail.com |
| Jeni Arndt | jeniarndt53@gmail.com |
| Carrie Atiyeh | catiyeh@visitdenver.com |
| Elizabeth Babcock | elizabeth.babcock@denvergov.org |
| Amie Baca-Oehlert | abaca@coloradoea.org |
| Steve Balcerovich | Steve@balcerovich.com |
| Paul Ball | squareonecjr@gmail.com |
| Steve Ball | ball.steve.m@gmail.com |
| Lynn Barkau | lynn.barkau@state.co.us |
| Anne Baris | anne@mendezbarkis.com |
| Bill Becker | bill@ic.org |
| Sylvia Bernstein | sylvia@yesonnationalpopularvote.com |
| Gayle Berry | gayle@gberrycorp.com |
| Debora Black | director@slvlifecenter.org |
| Leslie Bogar | lbogar@casb.org |
| David Broadwell | dbroadwell@cml.org |
| Greg Brophy | senatorbrophy@gmail.com |
| Danee Brouillard | dbrouillard@broomfield.org |
| J. Paul Brown | brownjpaul@yahoo.com |
| Karla Brown | karlademmler@gmail.com |
| Lindsey Brown | ljwaytashek@gmail.com |
| Reeves Brown | reeves@mtsynergy.com |
| Richard Brown | dickscuba@gmail.com |
| Douglas Bruce | Taxcutter@msn.com |
| Perry Buck | perrybuck49@gmail.com |
| Kim Burke | kim.burke@state.co.us |
| Kyley Burress | kburress@ccionline.org |
| Robert Carlson | rmlgjco@zoho.com |
| James Cole | jim@lobby4co.com |
| Juston Cooper | juston@ccjjrc.org |
| Brandi Cuington-Brown | cuington.brandi79@gmail.com |
| Gerry Cummins | gerry.cummins@prodigy.net |
| Kenneth Curtis | kcurtis@frontier.net |
| Lisa Cutter | lisa.cutter.colorado@gmail.com |
| Katie Danna-Poston | kposton@earlymilestones.org |
| Robert Davidson | rdavidson@broomfield.org |
| Frank DeFilippo | frankdef@comcast.net |
| Elijah Dimon-Ainscough | elijahp.dimonainscough@gmail.com |
| Geoff Dolman | msgs4geoff@gmail.com |

Proposition 113
Adopt Agreement to Elect U.S. President by National Popular Vote
Contact List (Cont.)

| Interested Party | Email Address |
|--------------------------|-------------------------------------|
| Emily Dowd | emily.dowd.senate@gmail.com |
| Derek Draplin | ddraplin@thecentersquare.com |
| Kerith Ebel | keri.ebel@votethemavoice.com |
| Cathy Eslinger | Cathy.eslinger@state.co.us |
| Barry Fadem | bfadem1@aol.com |
| Terry Fankhauser | terry@coloradocattle.org |
| Patrick Fitzgerald | fitz11251@gmail.com |
| Mike Foote | mjbfoote@gmail.com |
| Corrine Fowler | corrinfowler@gmail.com |
| John Frank | johnfrank@coloradosun.com |
| Leroy Garcia | senleroygarcia@gmail.com |
| Daphne Gervais | dgervais@ccionline.org |
| Michael Gifford | mgifford@agccolorado.org |
| Miriam Gillow-Wiles | director@swccog.org |
| Art Goldberger | artg2004@gmail.com |
| Jennifer Goodrum | jbgoodrum@michaelbeststrategies.com |
| Joan Andrew Green Turner | joangreen@me.com |
| Melissa Greiner | mgreiner@cityofblackhawk.org |
| Mark Grueskin | mark@rklawpc.com |
| Heather Hanna | heather@ecclacolorado.org |
| Natalie Hattenbach | nhattenbach@mail.com |
| Kiera Hatton | kierahattonsena@gmail.com |
| Anna Jo Haynes | ajhdenver@gmail.com |
| Beth Hendrix | bhendrix@lwvcolorado.org |
| Nicole Hensel | nicole@neweracolorado.org |
| Brock Herzberg | brock@capitolfocusllc.com |
| Kristina Heyl | kjmueller2@hotmail.com |
| Marina Hildebrand | marina.hildebrand@state.co.us |
| Brad Hughes | bradleyhughes@comcast.net |
| Jeff Hunt | jhunt@ccu.edu |
| Suzanne Keim | suzanne.keim@state.co.us |
| Chris Kennedy | chris@kennedy4co.com |
| Evelyn | dking49326@aol.com |
| Tari | tari.king@coga.org |
| Cathy Kipp | cathy.kipp.house@co.state.us |
| Pete Kirchof | pete@kirchhofgroupinc.com |
| David Kopel | david@i2i.org |
| John Koza | Koza@NationalPopularVote.com |
| Sundari Kraft | skraft@ascentstrategiesco.com |
| Jason Krueger | jason.douglas.krueger@gmail.com |
| Thad Kurowski | tkurowski@tesla.com |

Proposition 113
Adopt Agreement to Elect U.S. President by National Popular Vote
Contact List (Cont.)

| Interested Party | Email Address |
|--------------------------|------------------------------------|
| Bob Lackner | bob.lackner@state.co.us |
| Anne Lane | alane@broomfield.org |
| Raquel Lane-Arellano | Raquel@Coloradoimmigrant.org |
| Elizabeth Lemont | elizabeth.lemont@state.co.us |
| Nick Levendofsky | nick.levendofsky@rmfu.org |
| Leonor Lucero | leonorlucero@me.com |
| Philip Lyons | philip_Lyons@uhc.com |
| Peter Maiurro | pmaiurro@gmail.com |
| Teresa Mathews | teresa.mathews@pueblocc.edu |
| Rich Mauro | rmauro@drcog.org |
| Mathew Mengesha | mmengesha@springinstitute.org |
| Joe Mikloski | jpm@joemiklosi.com |
| Stella Min | allets@gmail.com |
| Susanna Mizer | smizer@healthiercolorado.org |
| Tamara Mohamed | tamara@axiompolitics.com |
| Brett Moore | brett_a_moore@yahoo.com |
| Marguerite Moreland | dedemoreland@comcast.net |
| Natalie Mullis | natmullis@gmail.com |
| Jason Mumm | jasonm@fcsgroup.com |
| Jason Oates | jason.oates@crestonepr.com |
| Jeffrey Pace | pacejandm@gmail.com |
| Mary Pace | pacejandm@icloud.com |
| Bonnie Petersen | bonnie@agnc.org |
| Alison Friedman Phillips | alisonp@wfco.org |
| Alan Philp | aphilp@patriotpathways.com |
| Rose Pugliese | rosepugliese16@gmail.com |
| Luke Ragland | Lragland@readycolo.org |
| Nikolaus Remus | nikolaus@aiacolorado.org |
| Phyllis Resnick | phyllis@coloradofuturescsu.org |
| Erin Reynolds | erin.reynolds@state.co.us |
| Morgan Royal | morgan@neweracolorado.org |
| Stephen Ruddick | ruddickfamily@hotmail.com |
| Julia Scanlan | jscanlan@aponte-busam.com |
| Terry Scanlon | terry.scanlon@judicial.state.co.us |
| Mark Scheffel | mscheffel@advantagecap.com |
| Patty Schoedler | pshades@earthlink.net |
| David Schultheis | dave@schultheisforcolorado.com |
| Nelson Scott | nelson@capitolfocusllc.com |
| Daniel Silbaugh | dan.silbaugh@gmail.com |
| Ian Silverii | silverii@progressnowcolorado.org |
| Duane Sinning | dasinning@gmail.com |

Proposition 113
Adopt Agreement to Elect U.S. President by National Popular Vote
Contact List (Cont.)

| Interested Party | Email Address |
|-------------------------|-----------------------------------|
| Bill Skewes | bill@skewesga.com |
| Jerry Sonnenberg | senatorsonnenberg@gmail.com |
| Mike Spalding | mspalding@aol.com |
| Suzanne Staiert | suzannestaiert@gmail.com |
| Jeanni Stefanik | jeanni.stefanik@state.co.us |
| Senator Tammy Story | tammy.story.senate@state.co.us |
| Walter Szymanski | walt.szymanski@gmail.com |
| Brian Tanner | btanner@coloradoea.org |
| Ron Teck | ronteck@gmail.com |
| Kim Tenure | k.tenure@nmscolo.org |
| Susan Thornton | susan@thinkstrategicallyfirst.com |
| Brianna Titone | rep.brianna.titone@gmail.com |
| Maria Jose Torres | mtorres@rcfdenver.org |
| James Towle | ThePoliticalArtist@Gmail.com |
| Emily Tracy | etbreck@gmail.com |
| Ted Trimpa | ted@trimpagroup.com |
| Pooja Tulsian | pooja.tulsian@state.co.us |
| George Twigg | gtwigg@bouldercounty.org |
| Deborah Vink | debvink@gmail.com |
| Dan Volkosh | daniel.volkosh@denvergov.org |
| Debbie Wagner | Debbie@lombardclayton.com |
| Lawrence Wall | lswalljr@yahoo.com |
| Brandon Wark | brandon.wark@gmail.com |
| Andrea Wilkins | andrea@betheagenda.com |
| Don Wilson | dwilson@tomgov.org |
| Laurel Witt | lwitt@cml.org |
| Rob Woodward | senatorwoodward@gmail.com |
| Jennifer Yund | jenny_yund@adams.edu |
| | kkhp1011@gmail.com |
| | legislatedirector@lpcolorado.org |

Proposition 113
Adopt Agreement to Elect U.S. President By National Popular Vote

1 **Ballot Title:**

2 Shall the following Act of the General Assembly be approved: An Act concerning adoption of an
3 agreement among the states to elect the President of the United States by national popular vote,
4 being Senate Bill No. 19-042?

5 **Text of Measure:**

6 *Be it enacted by the General Assembly of the State of Colorado:*

7 **SECTION 1.** In Colorado Revised Statutes, **add** part 40 to article 60 of title 24 as follows:

8 PART 40

9 AGREEMENT AMONG THE STATES TO ELECT THE
10 PRESIDENT BY NATIONAL POPULAR VOTE

11 **24-60-4001. Short title.** THE SHORT TITLE OF THIS PART 40 IS THE "AGREEMENT AMONG THE STATES
12 TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE".

13 **24-60-4002. Execution of agreement.** THE AGREEMENT AMONG THE STATES TO ELECT THE
14 PRESIDENT BY NATIONAL POPULAR VOTE IS HEREBY ENACTED INTO LAW AND ENTERED INTO WITH ALL
15 JURISDICTIONS LEGALLY JOINING THEREIN, IN THE FORM SUBSTANTIALLY AS FOLLOWS:

16 ARTICLE I -- MEMBERSHIP

17 ANY STATE OF THE UNITED STATES AND THE DISTRICT OF COLUMBIA MAY BECOME A MEMBER OF THIS
18 AGREEMENT BY ENACTING THIS AGREEMENT.

19 ARTICLE II -- RIGHT OF THE PEOPLE IN MEMBER
20 STATES TO VOTE FOR PRESIDENT AND VICE PRESIDENT

21 EACH MEMBER STATE SHALL CONDUCT A STATEWIDE POPULAR ELECTION FOR PRESIDENT AND
22 VICE PRESIDENT OF THE UNITED STATES.

23 ARTICLE III -- MANNER OF APPOINTING
24 PRESIDENTIAL ELECTORS IN MEMBER STATES

25 PRIOR TO THE TIME SET BY LAW FOR THE MEETING AND VOTING BY THE PRESIDENTIAL ELECTORS, THE
26 CHIEF ELECTION OFFICIAL OF EACH MEMBER STATE SHALL DETERMINE THE NUMBER OF VOTES FOR
27 EACH PRESIDENTIAL SLATE IN EACH STATE OF THE UNITED STATES AND IN THE DISTRICT OF COLUMBIA
28 IN WHICH VOTES HAVE BEEN CAST IN A STATEWIDE POPULAR ELECTION AND SHALL ADD SUCH VOTES
29 TOGETHER TO PRODUCE A "NATIONAL POPULAR VOTE TOTAL" FOR EACH PRESIDENTIAL SLATE.

30 THE CHIEF ELECTION OFFICIAL OF EACH MEMBER STATE SHALL DESIGNATE THE PRESIDENTIAL SLATE
31 WITH THE LARGEST NATIONAL POPULAR VOTE TOTAL AS THE "NATIONAL POPULAR VOTE WINNER."

32 THE PRESIDENTIAL ELECTOR CERTIFYING OFFICIAL OF EACH MEMBER STATE SHALL CERTIFY THE
33 APPOINTMENT IN THAT OFFICIAL'S OWN STATE OF THE ELECTOR SLATE NOMINATED IN THAT STATE IN
34 ASSOCIATION WITH THE NATIONAL POPULAR VOTE WINNER.

1 AT LEAST SIX DAYS BEFORE THE DAY FIXED BY LAW FOR THE MEETING AND VOTING BY THE
2 PRESIDENTIAL ELECTORS, EACH MEMBER STATE SHALL MAKE A FINAL DETERMINATION OF THE NUMBER
3 OF POPULAR VOTES CAST IN THE STATE FOR EACH PRESIDENTIAL SLATE AND SHALL COMMUNICATE AN
4 OFFICIAL STATEMENT OF SUCH DETERMINATION WITHIN 24 HOURS TO THE CHIEF ELECTION OFFICIAL OF
5 EACH OTHER MEMBER STATE.

6 THE CHIEF ELECTION OFFICIAL OF EACH MEMBER STATE SHALL TREAT AS CONCLUSIVE AN OFFICIAL
7 STATEMENT CONTAINING THE NUMBER OF POPULAR VOTES IN A STATE FOR EACH PRESIDENTIAL SLATE
8 MADE BY THE DAY ESTABLISHED BY FEDERAL LAW FOR MAKING A STATE'S FINAL DETERMINATION
9 CONCLUSIVE AS TO THE COUNTING OF ELECTORAL VOTES BY CONGRESS.

10 IN EVENT OF A TIE FOR THE NATIONAL POPULAR VOTE WINNER, THE PRESIDENTIAL ELECTOR CERTIFYING
11 OFFICIAL OF EACH MEMBER STATE SHALL CERTIFY THE APPOINTMENT OF THE ELECTOR SLATE
12 NOMINATED IN ASSOCIATION WITH THE PRESIDENTIAL SLATE RECEIVING THE LARGEST NUMBER OF
13 POPULAR VOTES WITHIN THAT OFFICIAL'S OWN STATE.

14 IF, FOR ANY REASON, THE NUMBER OF PRESIDENTIAL ELECTORS NOMINATED IN A MEMBER STATE IN
15 ASSOCIATION WITH THE NATIONAL POPULAR VOTE WINNER IS LESS THAN OR GREATER THAN THAT
16 STATE'S NUMBER OF ELECTORAL VOTES, THE PRESIDENTIAL CANDIDATE ON THE PRESIDENTIAL SLATE
17 THAT HAS BEEN DESIGNATED AS THE NATIONAL POPULAR VOTE WINNER SHALL HAVE THE POWER TO
18 NOMINATE THE PRESIDENTIAL ELECTORS FOR THAT STATE AND THAT STATE'S PRESIDENTIAL ELECTOR
19 CERTIFYING OFFICIAL SHALL CERTIFY THE APPOINTMENT OF SUCH NOMINEES.

20 THE CHIEF ELECTION OFFICIAL OF EACH MEMBER STATE SHALL IMMEDIATELY RELEASE TO THE PUBLIC
21 ALL VOTE COUNTS OR STATEMENTS OF VOTES AS THEY ARE DETERMINED OR OBTAINED.

22 THIS ARTICLE SHALL GOVERN THE APPOINTMENT OF PRESIDENTIAL ELECTORS IN EACH MEMBER STATE
23 IN ANY YEAR IN WHICH THIS AGREEMENT IS, ON JULY 20, IN EFFECT IN STATES CUMULATIVELY
24 POSSESSING A MAJORITY OF THE ELECTORAL VOTES.

25 **ARTICLE IV -- OTHER PROVISIONS**

26 THIS AGREEMENT SHALL TAKE EFFECT WHEN STATES CUMULATIVELY POSSESSING A MAJORITY OF THE
27 ELECTORAL VOTES HAVE ENACTED THIS AGREEMENT IN SUBSTANTIALLY THE SAME FORM AND THE
28 ENACTMENTS BY SUCH STATES HAVE TAKEN EFFECT IN EACH STATE.

29 ANY MEMBER STATE MAY WITHDRAW FROM THIS AGREEMENT, EXCEPT THAT A WITHDRAWAL
30 OCCURRING SIX MONTHS OR LESS BEFORE THE END OF A PRESIDENT'S TERM SHALL NOT BECOME
31 EFFECTIVE UNTIL A PRESIDENT OR VICE PRESIDENT SHALL HAVE BEEN QUALIFIED TO SERVE THE NEXT
32 TERM.

33 THE CHIEF EXECUTIVE OF EACH MEMBER STATE SHALL PROMPTLY NOTIFY THE CHIEF EXECUTIVE OF ALL
34 OTHER STATES OF WHEN THIS AGREEMENT HAS BEEN ENACTED AND HAS TAKEN EFFECT IN THAT
35 OFFICIAL'S STATE, WHEN THE STATE HAS WITHDRAWN FROM THIS AGREEMENT, AND WHEN THIS
36 AGREEMENT TAKES EFFECT GENERALLY.

37 THIS AGREEMENT SHALL TERMINATE IF THE ELECTORAL COLLEGE IS ABOLISHED.

38 IF ANY PROVISION OF THIS AGREEMENT IS HELD INVALID, THE REMAINING PROVISIONS SHALL NOT BE
39 AFFECTED.

40 **ARTICLE V -- DEFINITIONS**

41 FOR PURPOSES OF THIS AGREEMENT,

1 "CHIEF EXECUTIVE" SHALL MEAN THE GOVERNOR OF A STATE OF THE UNITED STATES OR THE MAYOR
2 OF THE DISTRICT OF COLUMBIA;

3 "ELECTOR SLATE" SHALL MEAN A SLATE OF CANDIDATES WHO HAVE BEEN NOMINATED IN A STATE FOR
4 THE POSITION OF PRESIDENTIAL ELECTOR IN ASSOCIATION WITH A PRESIDENTIAL SLATE;

5 "CHIEF ELECTION OFFICIAL" SHALL MEAN THE STATE OFFICIAL OR BODY THAT IS AUTHORIZED TO
6 CERTIFY THE TOTAL NUMBER OF POPULAR VOTES FOR EACH PRESIDENTIAL SLATE;

7 "PRESIDENTIAL ELECTOR" SHALL MEAN AN ELECTOR FOR PRESIDENT AND VICE PRESIDENT OF THE
8 UNITED STATES;

9 "PRESIDENTIAL ELECTOR CERTIFYING OFFICIAL" SHALL MEAN THE STATE OFFICIAL OR BODY THAT IS
10 AUTHORIZED TO CERTIFY THE APPOINTMENT OF THE STATE'S PRESIDENTIAL ELECTORS;

11 "PRESIDENTIAL SLATE" SHALL MEAN A SLATE OF TWO PERSONS, THE FIRST OF WHOM HAS BEEN
12 NOMINATED AS A CANDIDATE FOR PRESIDENT OF THE UNITED STATES AND THE SECOND OF WHOM HAS
13 BEEN NOMINATED AS A CANDIDATE FOR VICE PRESIDENT OF THE UNITED STATES, OR ANY LEGAL
14 SUCCESSORS TO SUCH PERSONS, REGARDLESS OF WHETHER BOTH NAMES APPEAR ON THE BALLOT
15 PRESENTED TO THE VOTER IN A PARTICULAR STATE;

16 "STATE" SHALL MEAN A STATE OF THE UNITED STATES AND THE DISTRICT OF COLUMBIA; AND

17 "STATEWIDE POPULAR ELECTION" SHALL MEAN A GENERAL ELECTION IN WHICH VOTES ARE CAST FOR
18 PRESIDENTIAL SLATES BY INDIVIDUAL VOTERS AND COUNTED ON A STATEWIDE BASIS.

19 **24-60-4003. Reaffirmation of Colorado law.** WHEN THE AGREEMENT AMONG THE STATES TO
20 ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE BECOMES EFFECTIVE AS PROVIDED IN ARTICLE IV
21 OF THE AGREEMENT AND GOVERNS THE APPOINTMENT OF PRESIDENTIAL ELECTORS AS PROVIDED IN
22 ARTICLE III OF THE AGREEMENT, EACH PRESIDENTIAL ELECTOR SHALL VOTE FOR THE PRESIDENTIAL
23 CANDIDATE AND, BY SEPARATE BALLOT, VICE-PRESIDENTIAL CANDIDATE NOMINATED BY THE POLITICAL
24 PARTY OR POLITICAL ORGANIZATION THAT NOMINATED THE PRESIDENTIAL ELECTOR.

25 **24-60-4004. Conflicting provisions of law.** WHEN THE AGREEMENT AMONG THE STATES TO ELECT
26 THE PRESIDENT BY NATIONAL POPULAR VOTE BECOMES EFFECTIVE AS PROVIDED IN ARTICLE IV OF THE
27 AGREEMENT AND GOVERNS THE APPOINTMENT OF PRESIDENTIAL ELECTORS AS PROVIDED IN
28 ARTICLE III OF THE AGREEMENT, THIS PART 40 SHALL SUPERSEDE ANY CONFLICTING PROVISIONS OF
29 COLORADO LAW.

30 **SECTION 2. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the
31 day following the expiration of the ninety-day period after final adjournment of the
32 general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
33 referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against
34 this act or an item, section, or part of this act within such period, then the act, item, section, or
35 part will not take effect unless approved by the people at the general election to be held in
36 November 2020 and, in such case, will take effect on the date of the official declaration of the
37 vote thereon by the governor.