



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1265 be amended to read as follows:

- 1 Page 7, between lines 7 and 8, begin a new paragraph and insert:
- 2 "SECTION 8. IC 3-10-4-7, AS AMENDED BY P.L.141-2023,
- 3 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2024]: Sec. 7. (a) The presidential electors and alternate
- 5 presidential electors who are elected at a ~~general election~~ **under this**
- 6 **chapter or under IC 3-10-4.5** shall assemble in the chamber of the
- 7 Indiana house of representatives on the first Tuesday after the second
- 8 Wednesday in December as provided by 3 U.S.C. 7, or on another day
- 9 fixed by the Congress of the United States, at 10 a.m. to elect the
- 10 President and Vice President of the United States.
- 11 (b) The secretary of state, or an individual designated by the
- 12 secretary, shall preside at this meeting. The election division shall
- 13 assist the secretary in conducting the election and in certifying and
- 14 transmitting the results in accordance with federal law.
- 15 (c) As provided by 3 U.S.C. 6, the governor shall deliver to the
- 16 presidential electors present six (6) duplicate originals of the certificate
- 17 of ascertainment of appointment of the presidential electors mailed to
- 18 the Archivist of the United States.
- 19 SECTION 9. IC 3-10-4.5 IS ADDED TO THE INDIANA CODE
- 20 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 21 JULY 1, 2024]:

1 **Chapter 4.5. National Popular Vote Interstate Compact**

2 **Sec. 1. For purposes of this chapter, "chief election official"**
3 **means the state official or body that is authorized to certify the**
4 **total number of popular votes for each presidential slate.**

5 **Sec. 2. For purposes of this chapter, "chief executive" means the**
6 **governor of a state of the United States or the mayor of the District**
7 **of Columbia.**

8 **Sec. 3. For purposes of this chapter, "elector slate" means a**
9 **slate of candidates who have been nominated in a state for the**
10 **position of presidential elector in association with a presidential**
11 **slate.**

12 **Sec. 4. For purposes of this chapter, "presidential elector"**
13 **means an elector for President and Vice President of the United**
14 **States.**

15 **Sec. 5. For purposes of this chapter, "presidential elector**
16 **certifying official" means the state official or body that is**
17 **authorized to certify the appointment of the state's presidential**
18 **electors.**

19 **Sec. 6. For purposes of this chapter, "presidential slate" means**
20 **a slate of two (2) persons, the first of whom has been nominated as**
21 **a candidate for President of the United States and the second of**
22 **whom has been nominated as a candidate for Vice President of the**
23 **United States, or any legal successors to such persons, regardless**
24 **of whether both names appear on the ballot presented to the voter**
25 **in a particular state.**

26 **Sec. 7. For purposes of this chapter, "state" means:**

- 27 (1) a state of the United States; and
28 (2) the District of Columbia.

29 **Sec. 8. For purposes of this chapter, "statewide popular**
30 **election" means a general election in which votes are cast for**
31 **presidential slates by individual voters and counted on a statewide**
32 **basis.**

33 **Sec. 9. Any state of the United States and the District of**
34 **Columbia may become a member of this agreement by enacting**
35 **this agreement.**

36 **Sec. 10. Each member state shall conduct a statewide popular**
37 **election for President and Vice President of the United States.**

38 **Sec. 11. (a) Prior to the time set by law for the meeting and**
39 **voting by the presidential electors, the chief election official of each**
40 **member state shall:**

- 41 (1) determine the number of votes for each presidential slate
42 in each state of the United States and in the District of
43 Columbia in which votes have been cast in a statewide
44 popular election; and
45 (2) add together the votes described in subdivision (1) to
46 produce a national popular vote total for each presidential
47 slate.

1 (b) The chief election official of each member state shall
2 designate the presidential slate with the largest national popular
3 vote total as the national popular vote winner.

4 (c) The presidential elector certifying official of each member
5 state shall certify the appointment in that official's own state of the
6 elector slate nominated in that state in association with the national
7 popular vote winner.

8 (d) At least six (6) days before the day fixed by law for the
9 meeting and voting by the presidential electors, each member state
10 shall make a final determination of the number of popular votes
11 cast in the state for each presidential slate and shall communicate
12 an official statement of such determination within twenty-four (24)
13 hours to the chief election official of each other member state.

14 Sec. 12. The chief election official of each member state shall
15 treat as conclusive an official statement containing the number of
16 popular votes in a state for each presidential slate made by the day
17 established by federal law for making a state's final determination
18 conclusive as to the counting of electoral votes by Congress.

19 Sec. 13. In the event of a tie for the national popular vote
20 winner, the presidential elector certifying official of each member
21 state shall certify the appointment of the elector slate nominated in
22 association with the presidential slate receiving the largest number
23 of popular votes within that official's own state.

24 Sec. 14. If, for any reason, the number of presidential electors
25 nominated in a member state in association with the national
26 popular vote winner is less than or greater than that state's
27 number of electoral votes, the presidential candidate on the
28 presidential slate that has been designated as the national popular
29 vote winner shall have the power to nominate the presidential
30 electors for that state and that state's presidential elector certifying
31 official shall certify the appointment of such nominees.

32 Sec. 15. The chief election official of each member state shall
33 immediately release to the public all vote counts or statements of
34 votes as they are determined or obtained.

35 Sec. 16. This chapter governs the appointment of presidential
36 electors in each member state in any year in which this agreement
37 is, on July 20, in effect in states cumulatively possessing a majority
38 of the electoral votes.

39 Sec. 17. This agreement takes effect when states cumulatively
40 possessing a majority of the electoral votes have enacted this
41 agreement in substantially the same form and the enactments by
42 such states have taken effect in each state.

43 Sec. 18. Any member state may withdraw from this agreement,
44 except that a withdrawal occurring six (6) months or less before
45 the end of a President's term shall not become effective until a
46 President or Vice President has been qualified to serve the next
47 term.

1 **Sec. 19. The chief executive of each member state shall promptly**
 2 **notify the chief executive of all other states when:**
 3 **(1) this agreement has been enacted and has taken effect in**
 4 **that chief executive's state;**
 5 **(2) the chief executive's state has withdrawn from this**
 6 **agreement; and**
 7 **(3) this agreement takes effect generally.**

8 **Sec. 20. This agreement terminates if the electoral college is**
 9 **abolished.**

10 **Sec. 21. If any provision of this agreement is held invalid, the**
 11 **remaining provisions shall not be affected."**

12 Page 26, between lines 20 and 21, begin a new paragraph and insert:
 13 "SECTION 22. IC 3-12-5-7, AS AMENDED BY P.L.201-2017,
 14 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2024]: Sec. 7. **(a)** Upon receipt of the certified statements
 16 from the circuit court clerks under section 6 of this chapter and not
 17 later than noon of the last Tuesday in November, the election division
 18 shall tabulate the number of votes cast for each candidate for:

- 19 (1) presidential electors and alternate presidential electors;
- 20 **(2) the President of the United States, if the provisions under**
 21 **IC 3-10-4.5 have taken effect in the manner described by**
 22 **IC 3-10-4.5-17;**
- 23 ~~(2)~~ **(3)** a state office other than governor and lieutenant governor;
 24 and
- 25 ~~(3)~~ **(4)** a local office for which a declaration of candidacy must be
 26 filed with the election division under IC 3-8-2.

27 **(b) This subsection applies if the provisions under IC 3-10-4.5**
 28 **have not taken effect in the manner described by IC 3-10-4.5-17.**
 29 Immediately following the election division's tabulation, the secretary
 30 of state shall certify to the governor the candidate receiving the highest
 31 number of votes for each office.

1 **(c) This subsection applies if the provisions under IC 3-10-4.5**
2 **have taken effect in the manner described by IC 3-10-4.5-17.**
3 **Immediately following the election division's tabulation, the**
4 **secretary of state shall certify to the governor the following:**
5 **(1) The candidate receiving the highest number of votes for**
6 **each office.**
7 **(2) The votes for each of the other candidates for President**
8 **and Vice President of the United States.**
9 **(3) The names of the electors for President of the United**
10 **States determined under IC 3-10-4.5."**
11 Renumber all SECTIONS consecutively.
(Reference is to HB 1265 as printed January 25, 2024.)

Representative Pierce M