

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

# A Bill

HOUSE BILL 1339

5 By: Representatives Davenport, Cooper, Tyler  
6 By: Senator T. Smith  
7

## For An Act To Be Entitled

10 AN ACT TO ADOPT THE AGREEMENT AMONG THE STATES TO  
11 ELECT THE PRESIDENT BY NATIONWIDE POPULAR VOTE;  
12 AND FOR OTHER PURPOSES.  
13

## Subtitle

14 AN ACT TO ADOPT THE AGREEMENT AMONG THE  
15 STATES TO ELECT THE PRESIDENT BY  
16 NATIONWIDE POPULAR VOTE.  
17  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code Title 7, Chapter 8, Subchapter 3 is amended  
23 to add an additional section to read as follows:

24 7-8-308. The Agreement Among the States to Elect the President by  
25 Nationwide Popular Vote is enacted into law and entered into by this state  
26 with all states legally joining therein and in the form substantially as  
27 follows:  
28

29 AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONWIDE  
30 POPULAR VOTE  
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### ARTICLE I

#### Membership

34 Any State of the United States and the District of Columbia may become  
35 a member of this agreement by enacting this agreement.  
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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

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.

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."

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.

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.

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.

In 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.

If, for any reason, the number of presidential electors nominated in a

1 member state in association with the national popular vote winner is less  
 2 than or greater than that state's number of electoral votes, the presidential  
 3 candidate on the presidential slate that has been designated as the national  
 4 popular vote winner shall have the power to nominate the presidential  
 5 electors for that state and that state's presidential elector certifying  
 6 official shall certify the appointment of such nominees. The chief election  
 7 official of each member state shall immediately release to the public all  
 8 vote counts or statements of votes as they are determined or obtained.

9 This article shall govern the appointment of presidential electors in  
 10 each member state in any year in which this agreement is, on July 20, in  
 11 effect in states cumulatively possessing a majority of the electoral votes.

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 13 ARTICLE IV

14 Other Provisions

15 This agreement shall take effect when states cumulatively possessing a  
 16 majority of the electoral votes have enacted this agreement in substantially  
 17 the same form and the enactments by such states have taken effect in each  
 18 state.

19 Any member state may withdraw from this agreement, except that a  
 20 withdrawal occurring six months or less before the end of a President's term  
 21 shall not become effective until a President or Vice President shall have  
 22 been qualified to serve the next term.

23 The chief executive of each member state shall promptly notify the  
 24 chief executive of all other states of when this agreement has been enacted  
 25 and has taken effect in that official's state, when the state has withdrawn  
 26 from this agreement, and when this agreement takes effect generally.

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

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

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 31 ARTICLE V

32 Definitions

33 For purposes of this agreement,

34 "chief executive" shall mean the Governor of a State of the United  
 35 States or the Mayor of the District of Columbia;

36 "elector slate" shall mean a slate of candidates who have been

1 nominated in a state for the position of presidential elector in association  
2 with a presidential slate;

3 “chief election official” shall mean the state official or body that is  
4 authorized to certify the total number of popular votes for each presidential  
5 slate;

6 “presidential elector” shall mean an elector for President and Vice  
7 President of the United States;

8 “presidential elector certifying official” shall mean the state  
9 official or body that is authorized to certify the appointment of the state’s  
10 presidential electors;

11 “presidential slate” shall mean a slate of two persons, the first of  
12 whom has been nominated as a candidate for President of the United States and  
13 the second of whom has been nominated as a candidate for Vice President of  
14 the United States, or any legal successors to such persons, regardless of  
15 whether both names appear on the ballot presented to the voter in a  
16 particular state;

17 “state” shall mean a State of the United States and the District of  
18 Columbia; and

19 “statewide popular election” shall mean a general election in which  
20 votes are cast for presidential slates by individual voters and counted on a  
21 statewide basis.

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