## 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 As Eng  | rossed: H2/3/09 H2/3/09  |  |
|---------------------------------|---|--|--|
| 2                               | 87th General Assembly   | A Bill   |  |
| 3                               | Regular Session, 2009   | HOUSE BILL 1339  |  |
| 4                               |   |  |  |
| 5                               | By: Representatives Cooper, Davenport, Tyl  | er, Lea  |  |
| 6                               | By: Senator T. Smith  |  |  |
| 7                               |   |  |  |
| 8                               |   |  |  |
| 9                               |   | Act To Be Entitled   |  |
| 10                              |   | E AGREEMENT AMONG THE STATES TO  |  |
| 11                              |   | F BY NATIONWIDE POPULAR VOTE;  |  |
| 12                              |   | DSES.  |  |
| 13                              |   | C-1.441.   |  |
| 14                              |   | Subtitle   |  |
| 15                              |   | THE AGREEMENT AMONG THE  |  |
| 16                              |   | THE PRESIDENT BY   |  |
| 17                              |   | AR VOTE.   |  |
| 18                              |   |  |  |
| 19                              |   | NOT WORK OF THE OF A PRANCES   |  |
| 20                              |   | MBLY OF THE STATE OF ARKANSAS:   |  |
| 21                              |   | dialo 7 Champan O Cababantan 2 in amandad                              |  |
| 22                              |   | itle 7, Chapter 8, Subchapter 3 is amended                             |  |
| <ul><li>23</li><li>24</li></ul> | to add an additional section to read as follows:  7-8-308. The Agreement Among the States to Elect the President by |  |  |
| 25                              |   | d into law and entered into by this state                              |  |
| 26                              |   | herein and in the form substantially as                                |  |
| 27                              |   | netern and in the form substantially as                                |  |
| 28                              |   |  |  |
| 29                              |   | TO ELECT THE PRESIDENT BY NATIONWIDE                                   |  |
| 30                              |   | LAR VOTE   |  |
| 31                              |   | <del></del>  |  |
| 32                              |   | TICLE I  |  |
| 33                              | 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.  |  |  |
| 36                              |   |  |  |

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| 1  | ARTICLE II   |  |
|----|--|--|
| 2  | Right of the People in Member States to Vote for President and Vice President                      |  |
| 3  | Each member state shall conduct a statewide popular election for                                   |  |
| 4  | President and Vice President of the United States.   |  |
| 5  |  |  |
| 6  | ARTICLE III  |  |
| 7  | Manner of Appointing Presidential Electors in Member States  |  |
| 8  | Prior to the time set by law for the meeting and voting by the                                     |  |
| 9  | presidential electors, the chief election official of each member state shall                      |  |
| 10 | determine the number of votes for each presidential slate in each State of                         |  |
| 11 | the United States and in the District of Columbia in which votes have been                         |  |
| 12 | cast in a statewide popular election and shall add such votes together to                          |  |
| 13 | produce a "national popular vote total" for each presidential slate.                               |  |
| 14 | The chief election official of each member state shall designate the                               |  |
| 15 | presidential slate with the largest national popular vote total as the                             |  |
| 16 | "national popular vote winner."  |  |
| 17 | The presidential elector certifying official of each member state shall                            |  |
| 18 | certify the appointment in that official's own state of the elector slate                          |  |
| 19 | $\underline{\text{nominated}}$ in that state in association with the national popular vote winner. |  |
| 20 | At least six days before the day fixed by law for the meeting and                                  |  |
| 21 | voting by the presidential electors, each member state shall make a final                          |  |
| 22 | determination of the number of popular votes cast in the state for each                            |  |
| 23 | presidential slate and shall communicate an official statement of such                             |  |
| 24 | determination within 24 hours to the chief election official of each other                         |  |
| 25 | member state.  |  |
| 26 | The chief election official of each member state shall treat as                                    |  |
| 27 | conclusive an official statement containing the number of popular votes in a                       |  |
| 28 | state for each presidential slate made by the day established by federal law                       |  |
| 29 | for making a state's final determination conclusive as to the counting of                          |  |
| 30 | electoral votes by Congress.   |  |
| 31 | In event of a tie for the national popular vote winner, the  |  |
| 32 | presidential elector certifying official of each member state shall certify                        |  |
| 33 | the appointment of the elector slate nominated in association with the                             |  |
| 34 | presidential slate receiving the largest number of popular votes within that                       |  |
| 35 | official's own state.  |  |
| 36 | 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.   |  |
| 12 |   |  |
| 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.   |  |
| 30 |   |  |
| 31 | ARTICLE V   |  |
| 32 | <u>Definitions</u>  |  |
| 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  | $\underline{\text{official}}$ 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.   |
| 22 |  |
| 23 | /s/ Cooper   |
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