

REFERENCE TITLE: interstate agreement; national popular vote.

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HB 2663

Introduced by
Representatives Ash, Burges: Senator Bundgaard

AN ACT

AMENDING TITLE 16, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 9; RELATING TO THE AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 16, Arizona Revised Statutes, is amended by adding
3 chapter 9, to read:

4 CHAPTER 9

5 AGREEMENT AMONG THE STATES TO ELECT
6 THE PRESIDENT BY NATIONAL POPULAR VOTE

7 ARTICLE 1. ADOPTION

8 16-1201. Adoption and text of compact

9 THE AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL
10 POPULAR VOTE IS ADOPTED AND ENACTED INTO LAW AS FOLLOWS:

11 ARTICLE I-MEMBERSHIP

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

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

16 EACH MEMBER STATE SHALL CONDUCT A STATEWIDE POPULAR ELECTION FOR
17 PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES.

18 ARTICLE III-MANNER OF APPOINTING
19 PRESIDENTIAL ELECTORS IN MEMBER STATES

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

26 B. THE CHIEF ELECTION OFFICIAL OF EACH MEMBER STATE SHALL DESIGNATE
27 THE PRESIDENTIAL SLATE WITH THE LARGEST NATIONAL POPULAR VOTE TOTAL AS THE
28 "NATIONAL POPULAR VOTE WINNER".

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

33 D. AT LEAST SIX DAYS BEFORE THE DAY FIXED BY LAW FOR THE MEETING AND
34 VOTING BY THE PRESIDENTIAL ELECTORS, EACH MEMBER STATE SHALL MAKE A FINAL
35 DETERMINATION OF THE NUMBER OF POPULAR VOTES CAST IN THE STATE FOR EACH
36 PRESIDENTIAL SLATE AND SHALL COMMUNICATE AN OFFICIAL STATEMENT OF SUCH
37 DETERMINATION WITHIN 24 HOURS TO THE CHIEF ELECTION OFFICIAL OF EACH OTHER
38 MEMBER STATE.

39 E. THE CHIEF ELECTION OFFICIAL OF EACH MEMBER STATE SHALL TREAT AS
40 CONCLUSIVE AN OFFICIAL STATEMENT CONTAINING THE NUMBER OF POPULAR VOTES IN A
41 STATE FOR EACH PRESIDENTIAL SLATE MADE BY THE DAY ESTABLISHED BY FEDERAL LAW
42 FOR MAKING A STATE'S FINAL DETERMINATION CONCLUSIVE AS TO THE COUNTING OF
43 ELECTORAL VOTES BY CONGRESS.

1 F. IN EVENT OF A TIE FOR THE NATIONAL POPULAR VOTE WINNER, THE
2 PRESIDENTIAL ELECTOR CERTIFYING OFFICIAL OF EACH MEMBER STATE SHALL CERTIFY
3 THE APPOINTMENT OF THE ELECTOR SLATE NOMINATED IN ASSOCIATION WITH THE
4 PRESIDENTIAL SLATE RECEIVING THE LARGEST NUMBER OF POPULAR VOTES WITHIN THAT
5 OFFICIAL'S OWN STATE.

6 G. IF, FOR ANY REASON, THE NUMBER OF PRESIDENTIAL ELECTORS NOMINATED
7 IN A MEMBER STATE IN ASSOCIATION WITH THE NATIONAL POPULAR VOTE WINNER IS
8 LESS THAN OR GREATER THAN THAT STATE'S NUMBER OF ELECTORAL VOTES, THE
9 PRESIDENTIAL CANDIDATE ON THE PRESIDENTIAL SLATE THAT HAS BEEN DESIGNATED AS
10 THE NATIONAL POPULAR VOTE WINNER SHALL HAVE THE POWER TO NOMINATE THE
11 PRESIDENTIAL ELECTORS FOR THAT STATE AND THAT STATE'S PRESIDENTIAL ELECTOR
12 CERTIFYING OFFICIAL SHALL CERTIFY THE APPOINTMENT OF SUCH NOMINEES.

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

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

19 ARTICLE IV-OTHER PROVISIONS

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

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

28 C. THE CHIEF EXECUTIVE OF EACH MEMBER STATE SHALL PROMPTLY NOTIFY THE
29 CHIEF EXECUTIVE OF ALL OTHER STATES OF WHEN THIS AGREEMENT HAS BEEN ENACTED
30 AND HAS TAKEN EFFECT IN THAT OFFICIAL'S STATE, WHEN THE STATE HAS WITHDRAWN
31 FROM THIS AGREEMENT, AND WHEN THIS AGREEMENT TAKES EFFECT GENERALLY.

32 D. THIS AGREEMENT SHALL TERMINATE IF THE ELECTORAL COLLEGE IS
33 ABOLISHED.

34 E. IF ANY PROVISION OF THIS AGREEMENT IS HELD INVALID, THE REMAINING
35 PROVISIONS SHALL NOT BE AFFECTED.

36 ARTICLE V-DEFINITIONS

37 FOR PURPOSES OF THIS AGREEMENT:

38 1. "CHIEF ELECTION OFFICIAL" SHALL MEAN THE STATE OFFICIAL OR BODY
39 THAT IS AUTHORIZED TO CERTIFY THE TOTAL NUMBER OF POPULAR VOTES FOR EACH
40 PRESIDENTIAL SLATE;

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

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

- 1 4. "PRESIDENTIAL ELECTOR" SHALL MEAN AN ELECTOR FOR PRESIDENT AND VICE
2 PRESIDENT OF THE UNITED STATES;
- 3 5. "PRESIDENTIAL ELECTOR CERTIFYING OFFICIAL" SHALL MEAN THE STATE
4 OFFICIAL OR BODY THAT IS AUTHORIZED TO CERTIFY THE APPOINTMENT OF THE STATE'S
5 PRESIDENTIAL ELECTORS;
- 6 6. "PRESIDENTIAL SLATE" SHALL MEAN A SLATE OF TWO PERSONS, THE FIRST
7 OF WHOM HAS BEEN NOMINATED AS A CANDIDATE FOR PRESIDENT OF THE UNITED STATES
8 AND THE SECOND OF WHOM HAS BEEN NOMINATED AS A CANDIDATE FOR VICE PRESIDENT
9 OF THE UNITED STATES, OR ANY LEGAL SUCCESSORS TO SUCH PERSONS, REGARDLESS OF
10 WHETHER BOTH NAMES APPEAR ON THE BALLOT PRESENTED TO THE VOTER IN A
11 PARTICULAR STATE;
- 12 7. "STATE" SHALL MEAN A STATE OF THE UNITED STATES AND THE DISTRICT OF
13 COLUMBIA; AND
- 14 8. "STATEWIDE POPULAR ELECTION" SHALL MEAN A GENERAL ELECTION IN WHICH
15 VOTES ARE CAST FOR PRESIDENTIAL SLATES BY INDIVIDUAL VOTERS AND COUNTED ON A
16 STATEWIDE BASIS.