House Bill 408
By: Representatives Benfield of the 85th, Drenner of the 86th, Brooks of the 63rd, Mangham of the 94th, Morgan of the 39th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to enact the Agreement Among the States to Elect the President by National Popular Vote; to allow states to join together to establish an interstate compact to elect the president by national popular vote; to provide for the implementation of such compact; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by adding a new Chapter 6 to read as follows:

CHAPTER 6

21-6-1. The Agreement Among the States to Elect the President by National Popular Vote is enacted into law and entered into by this state with all other jurisdictions legally joining therein in the form substantially as follows:

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

ARTICLE 1.
Membership.

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

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ARTICLE 2.

Right of the people in member states to vote for President and Vice President.

Each member state shall conduct a state-wide popular election for President and Vice President of the United States.

ARTICLE 3.

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

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

ARTICLE 4
Other provisions.

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

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

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

This agreement shall terminate if the electoral college is abolished.

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

ARTICLE 5
Definitions.

For purposes of this agreement:

'Chief election official' shall mean the state official or body that is authorized to certify
the total number of popular votes for each presidential slate;

'Chief executive' shall mean the Governor of a State of the United States or the Mayor
of the District of Columbia;

'Elector slate' shall mean a slate of candidates who have been nominated in a state for
the position of presidential elector in association with a presidential slate;

'Presidential elector' shall mean an elector for President and Vice President of the
United States;
'Presidential elector certifying official' shall mean the state official or body that is authorized to certify the appointment of the state's presidential electors;

'Presidential slate' shall mean a slate of two persons, the first of whom has been nominated as a candidate for President of the United States and the second of whom has been nominated as a candidate for Vice President of the United States, or any legal successors to such persons, regardless of whether both names appear on the ballot presented to the voter in a particular state;

'State' shall mean a State of the United States and the District of Columbia; and

'State-wide popular election' shall mean a general election in which votes are cast for presidential slates by individual voters and counted on a state-wide basis."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.