

House Bill 408

By: Representatives Benfield of the 85<sup>th</sup>, Drenner of the 86<sup>th</sup>, Brooks of the 63<sup>rd</sup>, Mangham of the 94<sup>th</sup>, Morgan of the 39<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

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

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

10 "CHAPTER 6

11 21-6-1.

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

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

17 ARTICLE 1.

18 Membership.

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

21 ARTICLE 2.

22 Right of the people in member states to vote for

23 President and Vice President.

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

26 ARTICLE 3.

27 Manner of appointing presidential electors in member states.

28 Prior to the time set by law for the meeting and voting by the presidential electors, the chief  
 29 election official of each member state shall determine the number of votes for each  
 30 presidential slate in each State of the United States and in the District of Columbia in which  
 31 votes have been cast in a state-wide popular election and shall add such votes together to  
 32 produce a 'national popular vote total' for each presidential slate.

33 The chief election official of each member state shall designate the presidential slate with  
 34 the largest national popular vote total as the 'national popular vote winner.'

35 The presidential elector certifying official of each member state shall certify the  
 36 appointment in that official's own state of the elector slate nominated in that state in  
 37 association with the national popular vote winner.

38 At least six days before the day fixed by law for the meeting and voting by the  
 39 presidential electors, each member state shall make a final determination of the number of  
 40 popular votes cast in the state for each presidential slate and shall communicate an official  
 41 statement of such determination within 24 hours to the chief election official of each other  
 42 member state.

43 The chief election official of each member state shall treat as conclusive an official  
 44 statement containing the number of popular votes in a state for each presidential slate made  
 45 by the day established by federal law for making a state's final determination conclusive  
 46 as to the counting of electoral votes by Congress.

47 In the event of a tie for the national popular vote winner, the presidential elector  
 48 certifying official of each member state shall certify the appointment of the elector slate  
 49 nominated in association with the presidential slate receiving the largest number of popular  
 50 votes within that official's own state.

51 If, for any reason, the number of presidential electors nominated in a member state in  
 52 association with the national popular vote winner is less than or greater than that state's  
 53 number of electoral votes, the presidential candidate on the presidential slate that has been  
 54 designated as the national popular vote winner shall have the power to nominate the

55 presidential electors for that state and that state's presidential elector certifying official shall  
 56 certify the appointment of such nominees. The chief election official of each member state  
 57 shall immediately release to the public all vote counts or statement of votes as they are  
 58 determined or obtained.

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

62 ARTICLE 4.

63 Other provisions.

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

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

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

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

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

77 ARTICLE 5.

78 Definitions.

79 For purposes of this agreement:

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

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

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

86 'Presidential elector' shall mean an elector for President and Vice President of the  
 87 United States;

88 'Presidential elector certifying official' shall mean the state official or body that is  
89 authorized to certify the appointment of the state's presidential electors;

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

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

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

98 **SECTION 2.**

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