STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 1686

By: Denney

AS INTRODUCED

An Act relating to presidential elections; establishing the Agreement Among the States to Elect the President by National Popular Vote; stating the intent of the state to join in the Agreement and become a member state of the Agreement Among the States to Elect the President by National Popular Vote; providing that any state is eligible to become a member state; providing for a statewide popular election for President and Vice President of the United States; establishing a procedure for appointing presidential electors in member states; specifying when the agreement becomes effective; providing for the withdrawal of a member state; requiring notification of member states; specifying that the provisions of the agreement are severable; defining certain terms; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 10-110 of Title 26, unless there is created a duplication in numbering, reads as follows:

A. Pursuant to terms and conditions of this act, the State of Oklahoma seeks to join with other states and establish the Agreement Among the States to Elect the President by National Popular Vote.
B. This state enters into the agreement with all other states legally joining in substantially the following form:

AGREEMENT AMONG THE STATES TO ELECT

THE PRESIDENT BY NATIONAL POPULAR VOTE

ARTICLE I. MEMBERSHIP

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

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 (6) 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 twenty-four (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 statements 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 IV. 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 (6) 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 V. DEFINITIONS

For purposes of this agreement:

1. "Chief executive" shall mean the Governor of a state of the
United States or the Mayor of the District of Columbia;

2. "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;

3. "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;

4. "Presidential elector" shall mean an elector for President
and Vice President of the United States;

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

6. "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 successor to such persons, regardless of whether both names appear on the ballot presented to the voter in a particular state;

7. "State" shall mean a state of the United States or the District of Columbia; and

8. "Statewide popular election" shall mean a general election in which votes are cast for presidential slates by individual voters and counted on a statewide basis.

SECTION 2. This act shall become effective November 1, 2013.

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