

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 2207

By: Kiesel

4  
5 AS INTRODUCED

6 An Act relating to elections; ordering a legislative  
7 referendum pursuant to the Oklahoma Constitution;  
8 establishing the Agreement Among the States to Elect  
9 the President by National Popular Vote; stating the  
10 intent of the state to join in the Agreement and  
11 become a member state of the Agreement Among the  
12 States to Elect the President by National Popular  
13 Vote; providing that any state is eligible to become  
14 a member state; providing for a statewide popular  
15 election for President and Vice President of the  
16 United States; establishing a procedure for  
17 appointing presidential electors in member states;  
18 specifying when the Agreement becomes effective;  
19 providing for the withdrawal of a member state;  
20 requiring notification of member states; specifying  
21 that the provisions of the Agreement are severable;  
22 defining certain terms; repealing 26 O.S. 2001,  
23 Sections 10-101, 10-101.1, 10-101.2, 10-102, 10-103,  
24 10-104, 10-105, 10-106, 10-107, 10-108 and 10-109,  
which relate to Presidential electors; providing for  
codification; providing an effective date; providing  
ballot title; and directing filing.

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

SECTION 1. Pursuant to Section 3 of Article V of the Oklahoma  
Constitution, there is hereby ordered the following legislative  
referendum which shall be filed with the Secretary of State and  
addressed to the Governor of the state, who shall submit the same to

1 the people for their approval or rejection at the General Election,  
2 to be held on November 2, 2010.

3 SECTION 2. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 10-110 of Title 26, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. Pursuant to terms and conditions of this section, the State  
7 of Oklahoma seeks to join with other states and establish the  
8 Agreement Among the States to Elect the President by National  
9 Popular Vote.

10 B. This state enters into the Agreement with all other states  
11 legally joining in substantially the following form:

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

14 ARTICLE I. MEMBERSHIP

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

17 ARTICLE II. RIGHT OF THE PEOPLE IN MEMBER STATES TO VOTE FOR  
18 PRESIDENT AND VICE PRESIDENT

19 Each member state shall conduct a statewide popular election for  
20 President and Vice President of the United States.

21 ARTICLE III. MANNER OF APPOINTING PRESIDENTIAL ELECTORS IN  
22 MEMBER STATES

23 Prior to the time set by law for the meeting and voting by the  
24 presidential electors, the chief election official of each member

1 state shall determine the number of votes for each presidential  
2 slate in each state of the United States and in the District of  
3 Columbia in which votes have been cast in a statewide popular  
4 election and shall add such votes together to produce a "national  
5 popular vote total" for each presidential slate.

6 The chief election official of each member state shall designate  
7 the presidential slate with the largest national popular vote total  
8 as the "national popular vote winner".

9 The presidential elector certifying official of each member  
10 state shall certify the appointment in that official's own state of  
11 the elector slate nominated in that state in association with the  
12 national popular vote winner.

13 At least six (6) days before the day fixed by law for the  
14 meeting and voting by the presidential electors, each member state  
15 shall make a final determination of the number of popular votes cast  
16 in the state for each presidential slate and shall communicate an  
17 official statement of such determination within twenty-four (24)  
18 hours to the chief election official of each other member state.

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

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

6 If, for any reason, the number of presidential electors  
7 nominated in a member state in association with the national popular  
8 vote winner is less than or greater than that state's number of  
9 electoral votes, the presidential candidate on the presidential  
10 slate that has been designated as the national popular vote winner  
11 shall have the power to nominate the presidential electors for that  
12 state and that state's presidential elector certifying official  
13 shall certify the appointment of such nominees. The chief election  
14 official of each member state shall immediately release to the  
15 public all vote counts or statements of votes as they are determined  
16 or obtained.

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

#### 21 ARTICLE IV. OTHER PROVISIONS

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

3 Any member state may withdraw from this agreement, except that a  
4 withdrawal occurring six (6) months or less before the end of a  
5 President's term shall not become effective until a President or  
6 Vice President shall have been qualified to serve the next term.

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

12 This agreement shall terminate if the electoral college is  
13 abolished.

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

#### 16 ARTICLE V. DEFINITIONS

17 For purposes of this agreement:

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

20 2. "Elector slate" shall mean a slate of candidates who have  
21 been nominated in a state for the position of presidential elector  
22 in association with a presidential slate;

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

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

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

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

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

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

20       SECTION 3.       REPEALER       26 O.S. 2001, Sections 10-101, 10-  
21 101.1, 10-101.2, 10-102, 10-103, 10-104, 10-105, 10-106, 10-107, 10-  
22 108 and 10-109, are hereby repealed.

23       SECTION 4. This act shall become effective December 1, 2010, if  
24 approved by a vote of the people.

1 SECTION 5. The Ballot Title for the proposed act shall be in  
2 the following form:

3 BALLOT TITLE

4 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

5 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

6 This measure would make the election for President be decided by  
7 a form of popular voting. It places the State of Oklahoma in an  
8 agreement with other states to elect the President by a popular  
9 vote. This measure would go into effect on December 1, 2010.

10 SHALL THE PROPOSAL BE APPROVED?

11 FOR THE PROPOSAL - YES \_\_\_\_\_

12 AGAINST THE PROPOSAL - NO \_\_\_\_\_

13 SECTION 6. The Chief Clerk of the House of Representatives,  
14 immediately after the passage of this act, shall prepare and file  
15 one copy thereof, including the Ballot Title set forth in SECTION 5  
16 hereof, with the Secretary of State and one copy with the Attorney  
17 General.

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19 52-1-6472 LRB 01/07/09

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