

1 **SENATE FLOOR VERSION**

2 March 1, 2011

3 As Amended

4 SENATE BILL NO. 841

5 By: Johnson (Rob) and Sparks of
6 the Senate

7 and

8 Armes of the House

9 [elections - Agreement Among the States to Elect the
10 President by National Popular Vote - codification -
11 effective date]

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

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

16 A. Pursuant to terms and conditions of this act, the State of
17 Oklahoma seeks to join with other states and establish the Agreement
18 Among the States to Elect the President by National Popular Vote.

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

21 AGREEMENT AMONG THE STATES TO

22 ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE

23 ARTICLE I. MEMBERSHIP

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

3 ARTICLE II. RIGHT OF THE PEOPLE IN MEMBER

4 STATES TO VOTE FOR PRESIDENT AND VICE PRESIDENT

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

7 ARTICLE III. MANNER OF APPOINTING

8 PRESIDENTIAL ELECTORS IN MEMBER STATES

9 Prior to the time set by law for the meeting and voting by the
10 presidential electors, the chief election official of each member
11 state shall determine the number of votes for each presidential
12 slate in each state of the United States and in the District of
13 Columbia in which votes have been cast in a statewide popular
14 election and shall add such votes together to produce a "national
15 popular vote total" for each presidential slate.

16 The chief election official of each member state shall designate
17 the presidential slate with the largest national popular vote total
18 as the "national popular vote winner".

19 The presidential elector certifying official of each member
20 state shall certify the appointment in that official's own state of
21 the elector slate nominated in that state in association with the
22 national popular vote winner.

23 At least six (6) days before the day fixed by law for the
24 meeting and voting by the presidential electors, each member state

1 shall make a final determination of the number of popular votes cast
2 in the state for each presidential slate and shall communicate an
3 official statement of such determination within twenty-four (24)
4 hours to the chief election official of each other member state.

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

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

15 If, for any reason, the number of presidential electors
16 nominated in a member state in association with the national popular
17 vote winner is less than or greater than that state's number of
18 electoral votes, the presidential candidate on the presidential
19 slate that has been designated as the national popular vote winner
20 shall have the power to nominate the presidential electors for that
21 state and that state's presidential elector certifying official
22 shall certify the appointment of such nominees. The chief election
23 official of each member state shall immediately release to the

24

1 public all vote counts or statements of votes as they are determined
2 or obtained.

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

7 ARTICLE IV. OTHER PROVISIONS

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

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

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

21 This agreement shall terminate if the electoral college is
22 abolished.

23 If any provision of this agreement is held invalid, the
24 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 successors 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

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

4 SECTION 2. This act shall become effective November 1, 2011.

5 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 2-23-11 - DO PASS, As
6 Amended and Coauthored.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24