

Senate Bill 376

By: Senators Shafer of the 48th, Henson of the 41st, Kennedy of the 18th, Williams of the 27th, Hill of the 32nd 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 definitions; to provide for 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 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 I

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 II

22 Right of the People in Member  
 23 States to Vote for President and Vice President

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

26 ARTICLE III  
 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  
 29 chief 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  
 31 which votes have been cast in a statewide popular election and shall add such votes  
 32 together to produce a "national popular vote total" for each presidential slate. The chief  
 33 election official of each member state shall designate the presidential slate with the  
 34 largest national popular vote total as the "national popular vote winner." The presidential  
 35 elector certifying official of each member state shall certify the appointment in that  
 36 official's own state of the elector slate nominated in that state in association with the  
 37 national popular vote winner. At least six days before the day fixed by law for the  
 38 meeting and voting by the presidential electors, each member state shall make a final  
 39 determination of the number of popular votes cast in the state for each presidential slate  
 40 and shall communicate an official statement of such determination within 24 hours to the  
 41 chief election official of each other member state. The chief election official of each  
 42 member state shall treat as conclusive an official statement containing the number of  
 43 popular votes in a state for each presidential slate made by the day established by federal  
 44 law for making a state's final determination conclusive as to the counting of electoral  
 45 votes by Congress. In event of a tie for the national popular vote winner, the presidential  
 46 elector certifying official of each member state shall certify the appointment of the elector  
 47 slate nominated in association with the presidential slate receiving the largest number of  
 48 popular votes within that official's own state. If, for any reason, the number of  
 49 presidential electors nominated in a member state in association with the national popular  
 50 vote winner is less than or greater than that state's number of electoral votes, the  
 51 presidential candidate on the presidential slate that has been designated as the national  
 52 popular vote winner shall have the power to nominate the presidential electors for that  
 53 state and that state's presidential elector certifying official shall certify the appointment  
 54 of such nominees. The chief election official of each member state shall immediately  
 55 release to the public all vote counts or statements of votes as they are determined or

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

59 ARTICLE IV

60 Other Provisions

61 This agreement shall take effect when states cumulatively possessing a majority of the  
 62 electoral votes have enacted this agreement in substantially the same form and the  
 63 enactments by such states have taken effect in each state. Any member state may  
 64 withdraw from this agreement, except that a withdrawal occurring six months or less  
 65 before the end of a president's term shall not become effective until a president or vice  
 66 president shall have been qualified to serve the next term. The chief executive of each  
 67 member state shall promptly notify the chief executive of all other states of when this  
 68 agreement has been enacted and has taken effect in that official's state, when the state has  
 69 withdrawn from this agreement, and when this agreement takes effect generally. This  
 70 agreement shall terminate if the electoral college is abolished. If any provision of this  
 71 agreement is held invalid, the remaining provisions shall not be affected.

72 ARTICLE V

73 Definitions

74 For purposes of this agreement:

- 75 (1) "Chief executive" shall mean the Governor of a state of the United States or the  
 76 mayor of the District of Columbia;  
 77 (2) "Elector slate" shall mean a slate of candidates who have been nominated in a state  
 78 for the position of presidential elector in association with a presidential slate;  
 79 (3) "Chief election official" shall mean the state official or body that is authorized to  
 80 certify the total number of popular votes for each presidential slate;  
 81 (4) "Presidential elector" shall mean an elector for President and Vice President of the  
 82 United States;  
 83 (5) "Presidential elector certifying official" shall mean the state official or body that  
 84 is authorized to certify the appointment of the state's presidential electors;  
 85 (6) "Presidential slate" shall mean a slate of two persons, the first of whom has been  
 86 nominated as a candidate for President of the United States and the second of whom has  
 87 been nominated as a candidate for Vice President of the United States, or any legal

88 successors to such persons, regardless of whether both names appear on the ballot  
89 presented to the voter in a particular state;  
90 (7) "State" shall mean a State of the United States and the District of Columbia; and  
91 (8) "Statewide popular election" shall mean a general election in which votes are cast  
92 for presidential slates by individual voters and counted on a statewide basis.'

93 21-6-2.

94 Until the Agreement Among the States to Elect the President by National Popular Vote  
95 provided for in Code Section 21-6-1 becomes effective or if at any time such agreement  
96 ceases to be effective for any reason, presidential electors shall be selected as provided in  
97 Chapter 2 of this title."

98 **SECTION 2.**

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