

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1574

By: Rosecrants

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5
6 AS INTRODUCED

7 An Act relating to presidential elections;
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; providing for codification;
23 and providing an effective date.
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18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

22 A. Pursuant to terms and conditions of Title 26 of the Oklahoma
23 Statutes, the State of Oklahoma seeks to join with other states and
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1 establish the Agreement Among the States to Elect the President by
2 National Popular Vote.

3 B. This state enters into the agreement with all other states
4 legally joining in substantially the following form:

5 AGREEMENT AMONG THE STATES TO ELECT
6 THE PRESIDENT BY NATIONAL POPULAR VOTE

7 ARTICLE I. MEMBERSHIP

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

10 ARTICLE II. RIGHT OF THE PEOPLE IN MEMBER

11 STATES TO VOTE FOR PRESIDENT AND VICE PRESIDENT

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

14 ARTICLE III. MANNER OF APPOINTING

15 PRESIDENTIAL ELECTORS IN MEMBER STATES

16 Prior to the time set by law for the meeting and voting by the
17 presidential electors, the chief election official of each member
18 state shall determine the number of votes for each presidential
19 slate in each state of the United States and in the District of
20 Columbia in which votes have been cast in a statewide popular
21 election and shall add such votes together to produce a "national
22 popular vote total" for each presidential slate.

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1 The chief election official of each member state shall designate
2 the presidential slate with the largest national popular vote total
3 as the "national popular vote winner".

4 The presidential elector certifying official of each member
5 state shall certify the appointment in that official's own state of
6 the elector slate nominated in that state in association with the
7 national popular vote winner.

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

14 The chief election official of each member state shall treat as
15 conclusive an official statement containing the number of popular
16 votes in a state for each presidential slate made by the date
17 established by federal law for making a state's final determination
18 conclusive as to the counting of electoral votes by Congress.

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

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

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

16 ARTICLE IV. OTHER PROVISIONS

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

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

1 The chief executive of each member state shall promptly notify
2 the chief executive of all other states of when this agreement has
3 been enacted and has taken effect in that official's state, when the
4 state has withdrawn from this agreement, and when this agreement
5 takes effect generally.

6 This agreement shall terminate if the electoral college is
7 abolished.

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

10 ARTICLE V. DEFINITIONS

11 For purposes of this agreement:

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

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

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

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

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

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

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

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

12 SECTION 2. This act shall become effective November 1, 2021.

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14 58-1-6094 LRB 12/23/20

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