

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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SENATE BILL 760

Short Title: National Popular Vote Compact.

(Public)

Sponsors: Senators Dannelly, Lucas; Dorsett, and Malone.

Referred to: Judiciary I (Civil).

March 14, 2007

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH NORTH CAROLINA AS A MEMBER OF THE  
3 AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY  
4 NATIONAL POPULAR VOTE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 18 of Chapter 163 of the General Statutes is amended  
7 by adding new sections to read:

8 **"§ 163-209.1. Agreement Among the States to Elect the President by National**  
9 **Popular Vote; Compact Enacted and Entered Into.**

10 The "Agreement Among the States to Elect the President by National Popular Vote"  
11 is enacted into law and entered into on behalf of North Carolina with any and all other  
12 states legally joining therein in a form substantially as follows:

13  
14 **Article I—Membership**

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

17  
18 **Article II—Right of the People in Member States to Vote for President and Vice**  
19 **President**

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

22  
23 **Article III—Manner of Appointing Presidential Electors in Member States**

24 Prior to the time set by law for the meeting and voting by the presidential electors,  
25 the chief election official of each member state shall determine the number of votes for  
26 each presidential slate in each state of the United States and in the District of Columbia  
27 in which votes have been cast in a statewide popular election and shall add such votes  
28 together to produce a 'national popular vote total' for each presidential slate.

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

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

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

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

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

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

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

#### 30 **Article IV—Other Provisions**

31       This agreement shall take effect when states cumulatively possessing a majority of  
32 the electoral votes have enacted this agreement in substantially the same form, and the  
33 enactments by such states have taken effect in each state.

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

38       The chief executive of each member state shall promptly notify the chief executive  
39 of all other states of when this agreement has been enacted and has taken effect in that  
40 official's state, when the state has withdrawn from this agreement, and when this  
41 agreement takes effect generally.

42       This agreement shall terminate if the electoral college is abolished.  
43

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

3  
4 **Article V—Definitions**

5 For purposes of this agreement,

6 'chief executive' shall mean the Governor of a State of the United States or  
7 the Mayor of the District of Columbia;

8 'elector slate' shall mean a slate of candidates who have been nominated in a  
9 state for the position of presidential elector in association with a  
10 presidential slate;

11 'chief election official' shall mean the state official or body that is authorized  
12 to certify the total number of popular votes for each presidential slate;

13 'presidential elector' shall mean an elector for President and Vice President of  
14 the United States;

15 'presidential elector certifying official' shall mean the state official or body  
16 that is authorized to certify the appointment of the state's presidential  
17 electors;

18 'presidential slate' shall mean a slate of two persons, the first of whom has  
19 been nominated as a candidate for President of the United States and  
20 the second of whom has been nominated as a candidate for Vice  
21 President of the United States, or any legal successors to such persons,  
22 regardless of whether both names appear on the ballot presented to the  
23 voter in a particular state;

24 'state' shall mean a state of the United States and the District of Columbia;  
25 and

26 'statewide popular election' shall mean a general election in which votes are  
27 cast for presidential slates by individual voters and counted on a  
28 statewide basis.

29 **§ 163-209.2. Additional implementing language for National Popular Vote**  
30 **compact.**

31 (a) As used in G.S. 163-209.1:

32 (1) 'Chief election official' means the State Board of Elections.

33 (2) 'Presidential elector certifying official' means the Governor as  
34 provided by G.S. 163-210.

35 (b) During any election in which the Agreement Among the States to Elect the  
36 President by National Popular Vote applies.

37 (1) The State Board of Elections, rather than issuing a certificate of  
38 election for presidential electors under G.S. 163-82.15, shall instead  
39 issue a certificate of the results of the election.

40 (2) The reference to G.S. 163-209 contained in G.S. 163-1(c) shall instead  
41 be read as G.S. 163-209.1.

42 (3) The Governor, instead of proclaiming elected under G.S. 163-210  
43 those presidential electors receiving the most votes as stated in the

1                    abstracts of the State Board of Elections, shall instead proclaim elected  
2                    the national popular vote winner as provided under G.S. 163-209.1."  
3                    **SECTION 2.** This act is effective when it becomes law.