

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

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**SENATE DRS85035-LB-66 (1/30)**

Short Title: Popular Election.

(Public)

Sponsors: Senator Clodfelter.

### Referred to:

## 5 The General Assembly of North Carolina enacts:

**SECTION 1.** Article 18 of Chapter 163 of the General Statutes is amended 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:

## **Article I—Membership**

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

## Article II—Right of the People in Member States to Vote for President and Vice President

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

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

Prior to the time set by law for the meeting and voting by the presidential electors, the chief election official of each member state shall determine the number of votes for each presidential slate in each state of the United States and in the District of Columbia

1 in which votes have been cast in a statewide popular election and shall add such votes  
2 together to produce a 'national popular vote total' for each presidential slate.

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

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

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

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

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

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

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

### 32 Article IV—Other Provisions

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

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

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

1       This agreement shall terminate if the electoral college is abolished.  
2       If any provision of this agreement is held invalid, the remaining provisions shall not  
3       be affected.

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## 5       **Article V-Definitions**

6       For purposes of this agreement,

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

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

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

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

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

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

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

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

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

31      **compact.**

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

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

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

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

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

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

43       (3) The Governor, instead of proclaiming elected under G.S. 163-210  
44       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.