

STATE OF OKLAHOMA

1st Session of the 53rd Legislature (2011)

SENATE BILL 841

By: Sparks

AS INTRODUCED

An Act relating to elections; establishing the Agreement Among the States to Elect the President by National Popular Vote; stating the intent of the state to join in the Agreement and become a member state of the Agreement Among the States to Elect the President by National Popular Vote; providing that any state is eligible to become a member state; providing for a statewide popular election for President and Vice President of the United States; establishing a procedure for appointing presidential electors in member states; specifying when the Agreement becomes effective; providing for the withdrawal of a member state; requiring notification of member states; specifying that the provisions of the Agreement are severable; defining certain terms; providing for codification; and providing an effective date.

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

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

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

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

3 AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL

4 POPULAR VOTE

5 ARTICLE I. MEMBERSHIP

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

8 ARTICLE II. RIGHT OF THE PEOPLE IN MEMBER STATES TO VOTE FOR

9 PRESIDENT AND VICE PRESIDENT

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

12 ARTICLE III. MANNER OF APPOINTING PRESIDENTIAL ELECTORS IN

13 MEMBER STATES

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

21 The chief election official of each member state shall designate  
22 the presidential slate with the largest national popular vote total  
23 as the "national popular vote winner".  
24

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

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

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

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

21       If, for any reason, the number of presidential electors  
22 nominated in a member state in association with the national popular  
23 vote winner is less than or greater than that state's number of  
24 electoral votes, the presidential candidate on the presidential

1 slate that has been designated as the national popular vote winner  
2 shall have the power to nominate the presidential electors for that  
3 state and that state's presidential elector certifying official  
4 shall certify the appointment of such nominees. The chief election  
5 official of each member state shall immediately release to the  
6 public all vote counts or statements of votes as they are determined  
7 or obtained.

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

#### 12 ARTICLE IV. OTHER PROVISIONS

13 This agreement shall take effect when states cumulatively  
14 possessing a majority of the electoral votes have enacted this  
15 agreement in substantially the same form and the enactments by such  
16 states have taken effect in each state.

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

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

3 This agreement shall terminate if the electoral college is  
4 abolished.

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

#### 7 ARTICLE V. DEFINITIONS

8 For purposes of this agreement:

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

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

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

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

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

22 6. "Presidential slate" shall mean a slate of two persons, the  
23 first of whom has been nominated as a candidate for President of the  
24 United States and the second of whom has been nominated as a

1 candidate for Vice President of the United States, or any legal  
2 successors to such persons, regardless of whether both names appear  
3 on the ballot presented to the voter in a particular state;

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

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

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

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