

1 SB338
2 128448-1
3 By Senator Dial
4 RFD: Constitution, Campaign Finance, Ethics, and Elections
5 First Read: 05-APR-11

2
3
4
5
6
7
8 SYNOPSIS: This bill would adopt the Agreement Among
9 the States to Elect the President by National
10 Popular Vote Compact, to provide for the
11 designation and certification by the chief election
12 official of each state of the presidential slate
13 which received the greatest number of popular votes
14 in the state.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 Relating to elections, to provide and adopt the
21 Agreement Among the States to Elect the President by National
22 Popular Vote.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Pursuant to the terms and conditions of
25 this act, the State of Alabama seeks to join with other States
26 and establish the Agreement Among the States to Elect the
27 President by National Popular Vote.

1 Section 2. The State of Alabama hereby agrees to the
2 following interstate compact known as the Agreement Among the
3 States to Elect the President by National Popular Vote:

4 ARTICLE I. MEMBERSHIP

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

8 ARTICLE II. RIGHT OF THE PEOPLE IN MEMBER STATES TO
9 VOTE FOR PRESIDENT AND VICE PRESIDENT

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

13 ARTICLE III. MANNER OF APPOINTING PRESIDENTIAL
14 ELECTORS IN MEMBER STATES

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

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

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

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

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

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

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

1 on the presidential slate that has been designated as the
2 national popular vote winner shall have the power to nominate
3 the presidential electors for that state and that state's
4 presidential elector certifying official shall certify the
5 appointment of such nominees.

6 The chief election official of each member state
7 shall immediately release to the public all vote counts or
8 statements of votes as they are determined or obtained.

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

13 ARTICLE IV. OTHER PROVISIONS

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

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

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

1 This agreement shall terminate if the electoral
2 college is abolished.

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

5 ARTICLE V. DEFINITIONS

6 For purposes of this agreement,

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

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

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

15 "presidential elector" shall mean an elector for
16 President and Vice President of the United States;

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

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

1 "state" shall mean a State of the United States and
2 the District of Columbia; and

3 "statewide popular election" shall mean a general
4 election in which votes are cast for presidential slates by
5 individual voters and counted on a statewide basis.

6 Section 3. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.