

Senate Bill 37

By: Senators Butler of the 55th, Jones of the 10th, Jones II of the 22nd, Jordan of the 6th, Orrock of the 36th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to  
2 enact the Agreement Among the States to Elect the President by National Popular Vote; to  
3 allow states to join together to establish an interstate compact to elect the president by  
4 national popular vote; to provide for the implementation of such compact; to provide for  
5 definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by  
9 adding a new chapter to read as follows:

10 "CHAPTER 6

11 21-6-1.

12 The Agreement Among the States to Elect the President by National Popular Vote is  
13 enacted into law and entered into by this state with all other jurisdictions legally joining  
14 therein in the form substantially as follows:

15       'AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY  
16                                   NATIONAL POPULAR VOTE

17                                   ARTICLE I  
18                                   Membership

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

21                                   ARTICLE II  
22                                   Right of the People in Member  
23                                   States to Vote for President and Vice President

24       Each member state shall conduct a state-wide popular election for President and Vice  
25       President of the United States.

26                                   ARTICLE III  
27                                   Manner of Appointing Presidential Electors in Member States

28       Prior to the time set by law for the meeting and voting by the presidential electors, the  
29       chief election official of each member state shall determine the number of votes for each  
30       presidential slate in each state of the United States and in the District of Columbia in  
31       which votes have been cast in a state-wide popular election and shall add such votes  
32       together to produce a "national popular vote total" for each presidential slate. The chief  
33       election official of each member state shall designate the presidential slate with the  
34       largest national popular vote total as the "national popular vote winner." The presidential

35 elector certifying official of each member state shall certify the appointment in that  
36 official's own state of the elector slate nominated in that state in association with the  
37 national popular vote winner. At least six days before the day fixed by law for the  
38 meeting and voting by the presidential electors, each member state shall make a final  
39 determination of the number of popular votes cast in the state for each presidential slate  
40 and shall communicate an official statement of such determination within 24 hours to the  
41 chief election official of each other member state. The chief election official of each  
42 member state shall treat as conclusive an official statement containing the number of  
43 popular votes in a state for each presidential slate made by the day established by federal  
44 law for making a state's final determination conclusive as to the counting of electoral  
45 votes by Congress. In the event of a tie for the national popular vote winner, the  
46 presidential elector certifying official of each member state shall certify the appointment  
47 of the elector slate nominated in association with the presidential slate receiving the  
48 largest number of popular votes within that official's own state. If, for any reason, the  
49 number of presidential electors nominated in a member state in association with the  
50 national popular vote winner is less than or greater than that state's number of electoral  
51 votes, the presidential candidate on the presidential slate that has been designated as the  
52 national popular vote winner shall have the power to nominate the presidential electors  
53 for that state and that state's presidential elector certifying official shall certify the  
54 appointment of such nominees. The chief election official of each member state shall  
55 immediately release to the public all vote counts or statements of votes as they are  
56 determined or obtained. This article shall govern the appointment of presidential electors  
57 in each member state in any year in which this agreement is, on July 20, in effect in states  
58 cumulatively possessing a majority of the electoral votes.

59 ARTICLE IV

60 Other Provisions

61 This agreement shall take effect when states cumulatively possessing a majority of the  
62 electoral votes have enacted this agreement in substantially the same form and the  
63 enactments by such states have taken effect in each state. Any member state may  
64 withdraw from this agreement, except that a withdrawal occurring six months or less  
65 before the end of a president's term shall not become effective until a president or vice  
66 president shall have been qualified to serve the next term. The chief executive of each  
67 member state shall promptly notify the chief executive of all other states of when this  
68 agreement has been enacted and has taken effect in that official's state, when the state has  
69 withdrawn from this agreement, and when this agreement takes effect generally. This  
70 agreement shall terminate if the electoral college is abolished. If any provision of this  
71 agreement is held invalid, the remaining provisions shall not be affected.

72 ARTICLE V

73 Definitions

74 For purposes of this chapter:

75 (1) "Chief election official" shall mean the state official or body that is authorized to  
76 certify the total number of popular votes for each presidential slate;

77 (2) "Chief executive" shall mean the Governor of a state of the United States or the  
78 mayor of the District of Columbia;

79 (3) "Elector slate" shall mean a slate of candidates who have been nominated in a state  
80 for the position of presidential elector in association with a presidential slate;

81 (4) "Presidential elector" shall mean an elector for President or Vice President of the  
82 United States;

83 (5) "Presidential elector certifying official" shall mean the state official or body that  
84 is authorized to certify the appointment of the state's presidential electors;

85 (6) "Presidential slate" shall mean a slate of two persons, the first of whom has been  
86 nominated as a candidate for President of the United States and the second of whom has  
87 been nominated as a candidate for Vice President of the United States, or any legal  
88 successors to such persons, regardless of whether both names appear on the ballot  
89 presented to the voters in a particular state;

90 (7) "State" shall mean a state of the United States and the District of Columbia; and

91 (8) "State-wide popular election" shall mean a general election in which votes are cast  
92 for presidential slates by individual voters and counted on a state-wide basis.'

93 21-6-2.

94 Until the Agreement Among the States to Elect the President by National Popular Vote  
95 provided for in Code Section 21-6-1 becomes effective or if at any time such agreement  
96 ceases to be effective for any reason, presidential electors shall be selected as provided in  
97 Chapter 2 of this title."

98 **SECTION 2.**

99 All laws and parts of laws in conflict with this Act are repealed.