

1 SB522  
2 128448-1  
3 By Senator Bedford  
4 RFD: Constitution, Campaign Finance, Ethics, and Elections  
5 First Read: 17-APR-12

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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.