



# HOUSE OF REPRESENTATIVES

HB 2456

national popular vote; interstate agreement  
Prime Sponsor: Representative Mesnard, LD 17

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**DP** Committee on Elections

**DP** Caucus and COW

**X** House Engrossed

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## OVERVIEW

HB 2456 joins an interstate agreement to elect the President by national popular vote.

## PROVISIONS

1. Enters Arizona into an agreement among the states, with all other jurisdictions legally joining, to elect the President by national popular vote.
2. Requires each member state to conduct a statewide popular election for President and Vice President of the U.S.
3. Allows any state and the District of Columbia to become a member through enacting this agreement.
4. Requires the chief election official of each member state to:
  - a. determine the number of votes for each presidential slate;
  - b. add the votes together to produce a “national popular vote total” for each presidential slate;
  - c. designate the presidential slate with the largest national popular vote as the “national popular vote winner”;
  - d. treat an official statement containing the number of popular votes for each presidential slate as a final determination conclusive as to the counting of electoral votes by Congress; and
  - e. immediately release to the public all vote counts or statements of votes as they are determined or obtained.
5. Requires the presidential elector certifying official of each member state to:
  - a. certify the appointment of the elector slate nominated in association with the national popular vote winner;
  - b. certify, in the event of a tie for the national popular vote winner, the appointment of the elector slate nomination with the presidential slate receiving the largest number of popular votes.
6. Declares that the presidential candidate designated as the national popular vote winner has the power to nominate the presidential electors for that state if the number of presidential electors nominated is less than or greater than that state’s number of electoral votes.
  - a. requires certification of the nominees appointment by the state’s presidential elector certifying official.

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7. Requires each member state to:
  - a. make a final determination of the number of popular votes cast for each presidential slate; and
  - b. communicate an official statement of determination within 24 hours to the chief official of other member states.
8. Stipulates that this article governs the appointment of presidential electors in any year this agreement is, on July 20, in effect in states cumulatively possessing a majority of the electoral votes.
9. Provides that the agreement takes effect when states cumulatively possessing a majority of the electoral votes have enacted this agreement in substantially the same form and the enactments have taken effect in each state.
10. Allows the withdrawal of member states from the agreement, except that a withdrawal occurring six months or less before the end of a President's term does not become effective until a President and Vice President has qualified to serve the next term.
11. Requires the member's state chief executive to promptly notify all other states when:
  - a. this agreement has been enacted and taken effect;
  - b. the member state has withdrawn from this agreement; and
  - c. this agreement takes effect generally.
12. Terminates this agreement if the Electoral College is abolished.
13. Declares that if any provision of this agreement is held invalid, the remaining provisions are not affected.
14. Defines *chief election official*, *chief executive*, *elector slate*, *presidential elector*, *presidential elector certifying official*, *presidential slate*, *state* and *statewide popular election*.

### CURRENT LAW

Each state is required to appoint, in such manner as the Legislature directs, a number of electors, equal to the whole number of Senators and Representatives to which the state may be entitled in the Congress ([U.S. Constitution, Article II, Section I, Clause II](#)).

The chairman of the state committee of a political party which is qualified for representation on an official party ballot at the primary election and accorded a column on the general election ballot is required to: 1) appoint candidates for the office of presidential elector equal to the number of U.S. Senators and Representatives in Congress for Arizona; 2) and file, for each candidate, a nomination paper and affidavit with the Secretary of State ([A.R.S. § 16-344](#)).

### ADDITIONAL INFORMATION

Arizona has 11 electoral votes.