

REFERENCE TITLE: interstate agreement; national popular vote

State of Arizona
House of Representatives
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HB 4013

Introduced by

Representatives Crews: Abeytia, Aguilar, Austin, Blattman, Cavero, Connolly, Contreras L, Contreras P, De Los Santos, Garcia, Gutierrez, Hernandez A, Hernandez C, Hernandez L, Liguori, Luna-Nájera, Márquez, Mathis, Peshlakai, Sandoval, Simacek, Stahl Hamilton, Travers, Tsosie, Villegas, Volk

AN ACT

AMENDING SECTION 16-212, ARIZONA REVISED STATUTES; AMENDING TITLE 16, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 9; RELATING TO VOTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-212, Arizona Revised Statutes, is amended to
3 read:

4 16-212. Appointment of presidential electors by popular vote;
5 electoral college votes; vacancy; replacement

6 A. On the first Tuesday after the first Monday in November, 1956,
7 and quadrennially thereafter, ~~there shall be elected~~ a number of
8 presidential electors equal to the number of United States senators and
9 representatives in Congress from this state **SHALL BE APPOINTED BY POPULAR**
10 **VOTE.**

11 ~~B. After the secretary of state issues the statewide canvass~~
12 ~~containing the results of a presidential election,~~ The presidential
13 electors of this state shall cast their electoral college votes for the
14 candidate for president and the candidate for vice president who ~~jointly~~
15 ~~received the highest number of votes in this state as prescribed in the~~
16 ~~canvass~~ **WERE NOMINATED BY THE POLITICAL PARTY THAT NOMINATED THE**
17 **PRESIDENTIAL ELECTOR OR, IN THE CASE OF CANDIDATES FOR PRESIDENT AND VICE**
18 **PRESIDENT WHO QUALIFY FOR THE BALLOT PURSUANT TO SECTION 16-341, THE**
19 **PRESIDENTIAL ELECTORS OF THIS STATE SHALL CAST THEIR ELECTORAL COLLEGE**
20 **VOTES FOR THE CANDIDATE FOR PRESIDENT THAT NOMINATED THAT PRESIDENTIAL**
21 **ELECTOR AND FOR THAT CANDIDATE'S VICE PRESIDENTIAL RUNNING MATE.**

22 C. A presidential elector who knowingly refuses to cast that
23 elector's electoral college vote as prescribed in subsection B of this
24 section is no longer eligible to hold the office of presidential elector
25 and that office is deemed and declared vacant by operation of law. The
26 chairperson of the state committee of the political party represented by
27 that elector shall appoint a person who is otherwise qualified to be a
28 presidential elector **OR, IN THE CASE OF CANDIDATES FOR PRESIDENT AND VICE**
29 **PRESIDENT WHO QUALIFY FOR THE BALLOT PURSUANT TO SECTION 16-341, THE**
30 **CANDIDATE FOR PRESIDENT SHALL APPOINT A PERSON WHO IS OTHERWISE QUALIFIED**
31 **TO BE A PRESIDENTIAL ELECTOR.** The replacement presidential elector shall
32 cast the elector's electoral college vote as prescribed by this section.
33 Notwithstanding section 16-344 and any other statute, the nomination paper
34 and affidavit of qualification of the replacement presidential elector may
35 be completed and filed with the secretary of state as soon as is
36 practicable after the presidential elector's appointment.

37 D. **WHEN THE AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY**
38 **NATIONAL POPULAR VOTE DOES NOT GOVERN THE APPOINTMENT OF PRESIDENTIAL**
39 **ELECTORS, THIS STATE'S ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE**
40 **UNITED STATES SHALL BE THE ELECTOR CANDIDATES WHO RECEIVE THE HIGHEST**
41 **NUMBER OF VOTES IN THE BALLOTING FOR PRESIDENT THAT IS HELD CONCURRENTLY**
42 **WITH THE GENERAL ELECTION. WHEN THE AGREEMENT AMONG THE STATES TO ELECT**
43 **THE PRESIDENT BY NATIONAL POPULAR VOTE GOVERNS THE APPOINTMENT OF THIS**
44 **STATE'S PRESIDENTIAL ELECTORS, THIS STATE'S ELECTORS FOR PRESIDENT AND**
45 **VICE PRESIDENT OF THE UNITED STATES SHALL BE THE ELECTOR CANDIDATES WHO**

1 ARE DETERMINED AS PRESCRIBED BY SECTION 16-1201, USING THE NUMBER OF VOTES
2 RECEIVED IN THE BALLOTING FOR PRESIDENT HELD CONCURRENT WITH THE GENERAL
3 ELECTION.

4 Sec. 2. Title 16, Arizona Revised Statutes, is amended by adding
5 chapter 9, to read:

6 CHAPTER 9
7 AGREEMENT AMONG THE STATES TO ELECT
8 THE PRESIDENT BY NATIONAL POPULAR VOTE

9 ARTICLE 1. ADOPTION

10 16-1201. Adoption and text of compact

11 THE AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL
12 POPULAR VOTE IS ENACTED INTO LAW AND ENTERED INTO WITH ALL OTHER
13 JURISDICTIONS LEGALLY JOINING SUCH AGREEMENT IN THE FORM SUBSTANTIALLY AS
14 FOLLOWS:

15 ARTICLE I-MEMBERSHIP

16 ANY STATE OF THE UNITED STATES AND THE DISTRICT OF COLUMBIA MAY
17 BECOME A MEMBER OF THIS AGREEMENT BY ENACTING THIS AGREEMENT.

18 ARTICLE II-RIGHT OF THE PEOPLE IN MEMBER STATES
19 TO VOTE FOR PRESIDENT AND VICE PRESIDENT

20 EACH MEMBER STATE SHALL CONDUCT A STATEWIDE POPULAR ELECTION FOR
21 PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES.

22 ARTICLE III-MANNER OF APPOINTING
23 PRESIDENTIAL ELECTORS IN MEMBER STATES

24 A. PRIOR TO THE TIME SET BY LAW FOR THE MEETING AND VOTING BY THE
25 PRESIDENTIAL ELECTORS, THE CHIEF ELECTION OFFICIAL OF EACH MEMBER STATE
26 SHALL DETERMINE THE NUMBER OF VOTES FOR EACH PRESIDENTIAL SLATE IN EACH
27 STATE OF THE UNITED STATES AND IN THE DISTRICT OF COLUMBIA IN WHICH VOTES
28 HAVE BEEN CAST IN A STATEWIDE POPULAR ELECTION AND SHALL ADD SUCH VOTES
29 TOGETHER TO PRODUCE A "NATIONAL POPULAR VOTE TOTAL" FOR EACH PRESIDENTIAL
30 SLATE.

31 B. THE CHIEF ELECTION OFFICIAL OF EACH MEMBER STATE SHALL DESIGNATE
32 THE PRESIDENTIAL SLATE WITH THE LARGEST NATIONAL POPULAR VOTE TOTAL AS THE
33 "NATIONAL POPULAR VOTE WINNER".

34 C. THE PRESIDENTIAL ELECTOR CERTIFYING OFFICIAL OF EACH MEMBER
35 STATE SHALL CERTIFY THE APPOINTMENT IN THAT OFFICIAL'S OWN STATE OF THE
36 ELECTOR SLATE NOMINATED IN THAT STATE IN ASSOCIATION WITH THE NATIONAL
37 POPULAR VOTE WINNER.

38 D. AT LEAST SIX DAYS BEFORE THE DAY FIXED BY LAW FOR THE MEETING
39 AND VOTING BY THE PRESIDENTIAL ELECTORS, EACH MEMBER STATE SHALL MAKE A
40 FINAL DETERMINATION OF THE NUMBER OF POPULAR VOTES CAST IN THE STATE FOR
41 EACH PRESIDENTIAL SLATE AND SHALL COMMUNICATE AN OFFICIAL STATEMENT OF
42 SUCH DETERMINATION WITHIN TWENTY-FOUR HOURS TO THE CHIEF ELECTION OFFICIAL
43 OF EACH OTHER MEMBER STATE.

1 E. THE CHIEF ELECTION OFFICIAL OF EACH MEMBER STATE SHALL TREAT AS
2 CONCLUSIVE AN OFFICIAL STATEMENT CONTAINING THE NUMBER OF POPULAR VOTES IN
3 A STATE FOR EACH PRESIDENTIAL SLATE MADE BY THE DAY ESTABLISHED BY FEDERAL
4 LAW FOR MAKING A STATE'S FINAL DETERMINATION CONCLUSIVE AS TO THE COUNTING
5 OF ELECTORAL VOTES BY CONGRESS.

6 F. IN EVENT OF A TIE FOR THE NATIONAL POPULAR VOTE WINNER, THE
7 PRESIDENTIAL ELECTOR CERTIFYING OFFICIAL OF EACH MEMBER STATE SHALL
8 CERTIFY THE APPOINTMENT OF THE ELECTOR SLATE NOMINATED IN ASSOCIATION WITH
9 THE PRESIDENTIAL SLATE RECEIVING THE LARGEST NUMBER OF POPULAR VOTES
10 WITHIN THAT OFFICIAL'S OWN STATE.

11 G. IF, FOR ANY REASON, THE NUMBER OF PRESIDENTIAL ELECTORS
12 NOMINATED IN A MEMBER STATE IN ASSOCIATION WITH THE NATIONAL POPULAR VOTE
13 WINNER IS LESS THAN OR GREATER THAN THAT STATE'S NUMBER OF ELECTORAL
14 VOTES, THE PRESIDENTIAL CANDIDATE ON THE PRESIDENTIAL SLATE THAT HAS BEEN
15 DESIGNATED AS THE NATIONAL POPULAR VOTE WINNER SHALL HAVE THE POWER TO
16 NOMINATE THE PRESIDENTIAL ELECTORS FOR THAT STATE AND THAT STATE'S
17 PRESIDENTIAL ELECTOR CERTIFYING OFFICIAL SHALL CERTIFY THE APPOINTMENT OF
18 SUCH NOMINEES.

19 H. THE CHIEF ELECTION OFFICIAL OF EACH MEMBER STATE SHALL
20 IMMEDIATELY RELEASE TO THE PUBLIC ALL VOTE COUNTS OR STATEMENTS OF VOTES
21 AS THEY ARE DETERMINED OR OBTAINED.

22 I. THIS ARTICLE SHALL GOVERN THE APPOINTMENT OF PRESIDENTIAL
23 ELECTORS IN EACH MEMBER STATE IN ANY YEAR IN WHICH THIS AGREEMENT IS, ON
24 JULY 20, IN EFFECT IN STATES CUMULATIVELY POSSESSING A MAJORITY OF THE
25 ELECTORAL VOTES.

26 ARTICLE IV-OTHER PROVISIONS

27 A. THIS AGREEMENT SHALL TAKE EFFECT WHEN STATES CUMULATIVELY
28 POSSESSING A MAJORITY OF THE ELECTORAL VOTES HAVE ENACTED THIS AGREEMENT
29 IN SUBSTANTIALLY THE SAME FORM AND THE ENACTMENTS BY SUCH STATES HAVE
30 TAKEN EFFECT IN EACH STATE.

31 B. ANY MEMBER STATE MAY WITHDRAW FROM THIS AGREEMENT, EXCEPT THAT A
32 WITHDRAWAL OCCURRING SIX MONTHS OR LESS BEFORE THE END OF A PRESIDENT'S
33 TERM SHALL NOT BECOME EFFECTIVE UNTIL A PRESIDENT OR VICE PRESIDENT SHALL
34 HAVE BEEN QUALIFIED TO SERVE THE NEXT TERM.

35 C. THE CHIEF EXECUTIVE OF EACH MEMBER STATE SHALL PROMPTLY NOTIFY
36 THE CHIEF EXECUTIVE OF ALL OTHER STATES OF WHEN THIS AGREEMENT HAS BEEN
37 ENACTED AND HAS TAKEN EFFECT IN THAT OFFICIAL'S STATE, WHEN THE STATE HAS
38 WITHDRAWN FROM THIS AGREEMENT, AND WHEN THIS AGREEMENT TAKES EFFECT
39 GENERALLY.

40 D. THIS AGREEMENT SHALL TERMINATE IF THE ELECTORAL COLLEGE IS
41 ABOLISHED.

42 E. IF ANY PROVISION OF THIS AGREEMENT IS HELD INVALID, THE
43 REMAINING PROVISIONS SHALL NOT BE AFFECTED.

ARTICLE V-DEFINITIONS

FOR PURPOSES OF THIS AGREEMENT:

1. "CHIEF ELECTION OFFICIAL" SHALL MEAN THE STATE OFFICIAL OR BODY THAT IS AUTHORIZED TO CERTIFY THE TOTAL NUMBER OF POPULAR VOTES FOR EACH PRESIDENTIAL SLATE.

2. "CHIEF EXECUTIVE" SHALL MEAN THE GOVERNOR OF A STATE OF THE UNITED STATES OR THE MAYOR OF THE DISTRICT OF COLUMBIA.

3. "ELECTOR SLATE" SHALL MEAN A SLATE OF CANDIDATES WHO HAVE BEEN NOMINATED IN A STATE FOR THE POSITION OF PRESIDENTIAL ELECTOR IN ASSOCIATION WITH A PRESIDENTIAL SLATE.

4. "PRESIDENTIAL ELECTOR" SHALL MEAN AN ELECTOR FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES.

5. "PRESIDENTIAL ELECTOR CERTIFYING OFFICIAL" SHALL MEAN THE STATE OFFICIAL OR BODY THAT IS AUTHORIZED TO CERTIFY THE APPOINTMENT OF THE STATE'S PRESIDENTIAL ELECTORS.

6. "PRESIDENTIAL SLATE" SHALL MEAN A SLATE OF TWO PERSONS, THE FIRST OF WHOM HAS BEEN NOMINATED AS A CANDIDATE FOR PRESIDENT OF THE UNITED STATES AND THE SECOND OF WHOM HAS BEEN NOMINATED AS A CANDIDATE FOR VICE PRESIDENT OF THE UNITED STATES, OR ANY LEGAL SUCCESSORS TO SUCH PERSONS, REGARDLESS OF WHETHER BOTH NAMES APPEAR ON THE BALLOT PRESENTED TO THE VOTER IN A PARTICULAR STATE.

7. "STATE" SHALL MEAN A STATE OF THE UNITED STATES AND THE DISTRICT OF COLUMBIA.

8. "STATEWIDE POPULAR ELECTION" SHALL MEAN A GENERAL ELECTION IN WHICH VOTES ARE CAST FOR PRESIDENTIAL SLATES BY INDIVIDUAL VOTERS AND COUNTED ON A STATEWIDE BASIS.

16-1202. Appointment of presidential electors pursuant to agreement

WHEN THE AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE GOVERNS THE APPOINTMENT OF PRESIDENTIAL ELECTORS AS PROVIDED IN SECTION 16-1201, ARTICLE III, SUBSECTION I, THE PROVISIONS OF THAT AGREEMENT SHALL SUPERSEDE ANY CONFLICTING PROVISIONS OF THE LAWS OF THIS STATE.