

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL DRS35045-LU-42

Short Title: National Popular Vote Interstate Compact. (Public)

Sponsors: Senators Nickel, Chaudhuri, and Waddell (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH NORTH CAROLINA AS A MEMBER OF THE AGREEMENT  
3 AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR  
4 VOTE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Part 6 of Article 20 of Chapter 163A of the General Statutes is amended  
7 by adding the following new sections to read:

8 **"§ 163A-1228.1. Agreement Among the States to Elect the President by National Popular**  
9 **Vote; compact enacted and entered into.**

10 The "Agreement Among the States to Elect the President by National Popular Vote" is  
11 enacted into law and entered into on behalf of North Carolina with any and all other states legally  
12 joining therein in a form substantially as follows:

13  
14 **Article I – Membership.**

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

17  
18 **Article II – Right of the People in Member States to Vote for President and Vice President.**

19 Each member state shall conduct a statewide popular election for President and Vice  
20 President of the United States.

21  
22 **Article III – Manner of Appointing Presidential Electors in Member States.**

23 Prior to the time set by law for the meeting and voting by the presidential electors, the chief  
24 election official of each member state shall determine the number of votes for each presidential  
25 slate in each state of the United States and in the District of Columbia in which votes have been  
26 cast in a statewide popular election and shall add such votes together to produce a "national  
27 popular vote total" for each presidential slate.

28 The chief election official of each member state shall designate the presidential slate with the  
29 largest national popular vote total as the "national popular vote winner."

30 The presidential elector certifying official of each member state shall certify the appointment  
31 in that official's own state of the elector slate nominated in that state in association with the  
32 national popular vote winner.

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



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

5 In event of a tie for the national popular vote winner, the presidential elector certifying official  
6 of each member state shall certify the appointment of the elector slate nominated in association  
7 with the presidential slate receiving the largest number of popular votes within that official's own  
8 state.

9 If, for any reason, the number of presidential electors nominated in a member state in  
10 association with the national popular vote winner is less than or greater than that state's number  
11 of electoral votes, the presidential candidate on the presidential slate that has been designated as  
12 the national popular vote winner shall have the power to nominate the presidential electors for  
13 that state, and that state's presidential elector certifying official shall certify the appointment of  
14 such nominees. The chief election official of each member state shall immediately release to the  
15 public all vote counts or statements of votes as they are determined or obtained.

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

#### 19 **Article IV – Other Provisions.**

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

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

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

30 This agreement shall terminate if the electoral college is abolished.

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

#### 33 **Article V – Definitions.**

34 For purposes of this agreement, the following definitions shall apply:

- 35 (1) Chief election official. – The state official or body that is authorized to certify  
36 the total number of popular votes for each presidential slate.
- 37 (2) Chief executive. – The governor of a state of the United States or the Mayor  
38 of the District of Columbia.
- 39 (3) Elector slate. – A slate of candidates who have been nominated in a state for  
40 the position of presidential elector in association with a presidential slate.
- 41 (4) Presidential elector. – An elector for President and Vice President of the  
42 United States.
- 43 (5) Presidential elector certifying official. – The state official or body that is  
44 authorized to certify the appointment of the state's presidential electors.
- 45 (6) Presidential slate. – A slate of two persons, the first of whom has been  
46 nominated as a candidate for President of the United States and the second of  
47 whom has been nominated as a candidate for Vice President of the United  
48 States, or any legal successors to such persons, regardless of whether both  
49 names appear on the ballot presented to the voter in a particular state.  
50  
51

1           (7)     State. – A state of the United States and the District of Columbia.

2           (8)     Statewide popular election. – A general election in which votes are cast for  
3               presidential slates by individual voters and counted on a statewide basis.

4     **"§ 163A-1228.2. Additional implementing language for National Popular Vote compact.**

5           (a)     As used in G.S. 163A-1228.1 and in this section:

6               (1)     "Chief election official" means the State Board of Elections.

7               (2)     "Presidential elector certifying official" means the Governor as provided by  
8                 G.S. 163A-1229.

9           (b)     During any election in which the Agreement Among the States to Elect the President  
10           by National Popular Vote applies:

11               (1)     The State Board of Elections, rather than issuing a certificate of election for  
12                 presidential electors under G.S. 163A-1184, shall instead issue a certificate of  
13                 the results of the election. The State Board of Elections shall be responsible  
14                 for communicating those results to the chief election official of all other  
15                 member states in the Agreement within the times specified in  
16                 G.S. 163A-1228.1. The State Board of Elections shall designate the national  
17                 popular vote winner as required under G.S. 163A-1228.1 and shall provide a  
18                 copy to the Secretary of State.

19               (2)     The reference to G.S. 163A-1226 contained in G.S. 163A-700(c) shall instead  
20                 be read as G.S. 163A-1228.1.

21               (3)     The Governor, instead of proclaiming elected under G.S. 163A-1229 those  
22                 presidential electors receiving the most votes as stated in the abstracts of the  
23                 State Board of Elections, shall instead certify the appointment of the elector  
24                 slate nominated in this State in association with the national popular vote  
25                 winner, as provided under G.S. 163A-1228.1. In case of a tie in the national  
26                 popular vote, the Governor shall certify the appointment of the elector slate  
27                 nominated in association with the presidential slate receiving the largest  
28                 number of popular votes in this State, as provided in G.S. 163A-1228.1."

29     **SECTION 2.** This act is effective when it becomes law.