

1 AN ACT relating to presidential elections.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 118 IS CREATED TO  
4 READ AS FOLLOWS:

5 *The Agreement Among the States to Elect the President by National Popular Vote is*  
6 *hereby enacted and entered into with all other jurisdictions that legally join in the*  
7 *compact, which is, in form, substantially as follows:*

8 *ARTICLE I*

9 *Membership*

10 *Any state of the United States and the District of Columbia may become a member of*  
11 *this agreement by enacting this agreement.*

12 *ARTICLE II*

13 *Right of the People in Member States to Vote for President and Vice President*

14 *Each member state shall conduct a statewide popular election for President and Vice*  
15 *President of the United States.*

16 *ARTICLE III*

17 *Manner of Appointing Presidential Electors in Member States*

18 *(1) Prior to the time set by law for the meeting and voting by the presidential electors,*  
19 *the chief election official of each member state shall determine the number of*  
20 *votes for each presidential slate in each state of the United States and in the*  
21 *District of Columbia in which votes have been cast in a statewide popular election*  
22 *and shall add such votes together to produce a "national popular vote total" for*  
23 *each presidential slate.*

24 *(2) The chief election official of each member state shall designate the presidential*  
25 *slate with the largest national popular vote total as the "national popular vote*  
26 *winner."*

27 *(3) The presidential elector certifying official of each member state shall certify the*

1 appointment in that official's own state of the elector slate nominated in that state  
2 in association with the national popular vote winner.

3 (4) At least six (6) days before the day fixed by law for the meeting and voting by the  
4 presidential electors, each member state shall make a final determination of the  
5 number of popular votes cast in the state for each presidential slate and shall  
6 communicate an official statement of such determination within twenty-four (24)  
7 hours to the chief election official of each other member state.

8 (5) The chief election official of each member state shall treat as conclusive an  
9 official statement containing the number of popular votes in a state for each  
10 presidential slate made by the day established by federal law for making a state's  
11 final determination conclusive as to the counting of electoral votes by Congress.

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

16 (7) If, for any reason, the number of presidential electors nominated in a member  
17 state in association with the national popular vote winner is less than or greater  
18 than that state's number of electoral votes, the presidential candidate on the  
19 presidential slate that has been designated as the national popular vote winner  
20 shall have the power to nominate the presidential electors for that state and that  
21 state's presidential elector certifying official shall certify the appointment of such  
22 nominees.

23 (8) The chief election official of each member state shall immediately release to the  
24 public all vote counts or statements of votes as they are determined or obtained.

25 (9) This article shall govern the appointment of presidential electors in each member  
26 state in any year in which this agreement is, on July 20, in effect in states  
27 cumulatively possessing a majority of the electoral votes.

1 ARTICLE IV

2 Other Provisions

3 (1) This agreement shall take effect when states cumulatively possessing a majority  
4 of the electoral votes have enacted this agreement in substantially the same form  
5 and the enactments by such states have taken effect in each state.

6 (2) Any member state may withdraw from this agreement, except that withdrawal  
7 occurring six (6) months or less before the end of a President's term shall not  
8 become effective until a President or Vice President shall have been qualified to  
9 serve the next term.

10 (3) The chief executive of each member state shall promptly notify the chief executive  
11 of all other states of when this agreement has been enacted and has taken effect  
12 in that official's state, when the state has withdrawn from this agreement, and  
13 when this agreement takes effect generally.

14 (4) This agreement shall terminate if the electoral college is abolished.

15 (5) If any provision of this agreement is held invalid, the remaining provisions shall  
16 not be affected.

17 ARTICLE V

18 Definitions

19 For purposes of this agreement:

20 (1) "Chief executive" means the Governor of a state of the United States or the  
21 mayor of the District of Columbia;

22 (2) "Elector slate" means a slate of candidates who have been nominated in a state  
23 for the position of presidential elector in association with a presidential slate;

24 (3) "Chief election official" means the state official or body that is authorized to  
25 certify the total number of popular votes for each presidential slate;

26 (4) "Presidential elector" means an elector of President and Vice President of the  
27 United States;

- 1 (5) "Presidential elector certifying official" means the state official or body that is  
2 authorized to certify the appointment of the slate's presidential electors;
- 3 (6) "Presidential slate" means a slate of two (2) persons, the first of whom has been  
4 nominated as a candidate for President of the United States and the second of  
5 whom has been nominated as a candidate for Vice President of the United States,  
6 or any legal successors to such persons, regardless of whether both names appear  
7 on the ballot presented to the voter in a particular state;
- 8 (7) "State" means a state of the United States and the District of Columbia; and
- 9 (8) "Statewide popular election" means a general election in which votes are cast for  
10 presidential slates by individual voters and counted on a statewide basis.