**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3859**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. J.H. Neal and Howard

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Introduced in the House on April 1, 2009

Currently residing in the House Committee on **Judiciary**

Summary: President

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/1/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\04-01-09.docx)‑103

4/1/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\04-01-09.docx)‑103

**VERSIONS OF THIS BILL**

[4/1/2009](file:///p:\pprever\2009-10\3859_20090401.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7‑19‑130 SO AS TO ADOPT THE “AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE”, AND FOR OTHER PURPOSES; AND TO REPEAL SECTIONS 7‑19‑70, 7‑19‑80, 7‑19‑90, 7‑19‑100, AND 7‑19‑120 ALL RELATING TO PRESIDENTIAL ELECTORS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 19, Title 7 of the 1976 Code is amended by adding:

“Section 7‑19‑130. The ‘Agreement Among the States to Elect the President by National Popular Vote’ is enacted into law and entered into by this State with all states legally joining and in the form substantially as follows:

To Adopt the Agreement Among the States

to Elect the President by National Popular Vote

Article I

Membership

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

Article II

Right of the People in Member States to Vote for

President and Vice President

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

Article III

Manner of Appointing Presidential Electors in Member States

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

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

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

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

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

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

If, for any reason, the number of presidential electors nominated in a member state in association with the national popular vote winner is less than or greater than that state’s number of electoral votes, the presidential candidate on the presidential slate that has been designated as the national popular vote winner shall have the power to nominate the presidential electors for that state and that state’s presidential elector certifying official shall certify the appointment of the nominees.

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

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

Article IV

Other Provisions

This 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 by the states have taken effect in each state.

A member state may withdraw from this agreement, except that a withdrawal occurring six months or less before the end of a President’s term must not become effective until a President or Vice President qualifies to serve the next term.

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

This agreement terminates if the electoral college is abolished.

If any provision of this agreement is held invalid, the remaining provisions are not affected.

Article V

Definitions

For purposes of this agreement:

(1) ‘Chief executive’ means the Governor of a State of the United States or the Mayor of the District of Columbia.

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

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

(4) ‘Presidential elector’ means an elector for President and Vice President of the United States.

(5) ‘Presidential elector certifying official’ means the state official or body that is authorized to certify the appointment of the state’s presidential electors.

(6) ‘Presidential slate’ means 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 these persons, regardless of whether both names appear on the ballot presented to the voter in a particular state.

(7) ‘State’ means a state of the United States and the District of Columbia.

(8) ‘Statewide popular election’ means a general election in which votes are cast for presidential slates by individual voters and counted on a statewide basis.”

SECTION 2. Sections 7‑19‑70, 7‑19‑80, 7‑19‑90, 7‑19‑100, and 7‑19‑120 of the 1976 Code are repealed.

SECTION 3. This act takes effect upon approval by the Governor.

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