

1 other jurisdictions legally joining in the agreement in the form
2 substantially as follows:

3 **ARTICLE I. MEMBERSHIP.**

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

6 **ARTICLE II. RIGHT OF THE PEOPLE IN MEMBER STATES TO VOTE FOR**
7 **PRESIDENT AND VICE PRESIDENT.**

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

10 **ARTICLE III. MANNER OF APPOINTING PRESIDENTIAL ELECTORS IN MEMBER**
11 **STATES.**

12 Prior to the time set by law for the meeting and voting by the
13 presidential electors, the chief election official of each member
14 state shall determine the number of votes for each presidential
15 slate in each state of the United States and in the District of
16 Columbia in which votes have been cast in the statewide popular
17 election and shall add the votes together to produce a "national
18 popular vote total" for each presidential slate. The chief
19 election official of each member state shall designate the
20 presidential slate with the largest national popular vote total as
21 the "national popular vote winner."

22 The presidential elector certifying official of each member
23 state shall certify the appointment in that official's own state of

1 the elector slate nominated in that state in association with the
2 national popular vote winner.

3 At least six days before the day fixed by law for the meeting
4 and voting by the presidential electors, each member state shall
5 make a final determination of the number of popular votes cast in
6 the state for each presidential slate and shall communicate an
7 official statement of the determination within 24 hours to the
8 chief election official of each other member state. The chief
9 election official of each member state shall treat as conclusive an
10 official statement containing the number of popular votes in a
11 state for each presidential slate made by the day established by
12 federal law for making a state's final determination conclusive as
13 to the counting of electoral votes by Congress.

14 In event of a tie for the national popular vote winner, the
15 presidential elector certifying official of each member state shall
16 certify the appointment of the elector slate nominated in
17 association with the presidential slate receiving the largest
18 number of popular votes within that official's own state. If, for
19 any reason, the number of presidential electors nominated in a
20 member state in association with the national popular vote winner
21 is less than or greater than that state's number of electoral
22 votes, the presidential candidate on the presidential slate that
23 has been designated as the national popular vote winner has the
24 power to nominate the presidential electors for that state and that

1 state's presidential elector certifying official shall certify the
2 appointment of the nominees. The chief election official of each
3 member state shall immediately release to the public all vote
4 counts or statements of votes as they are determined or obtained.
5 This article governs the appointment of presidential electors in
6 each member state in any year in which this agreement is, on July
7 20, in effect in states cumulatively possessing a majority of the
8 electoral votes.

9 **ARTICLE IV. OTHER PROVISIONS.**

10 This agreement takes effect when states cumulatively
11 possessing a majority of the electoral votes have enacted this
12 agreement in substantially the same form and the enactments by the
13 states have taken effect in each state. Any member state may
14 withdraw from this agreement, except that a withdrawal occurring
15 six months or less before the end of a President's term does not
16 become effective until a President or Vice President has been
17 qualified to serve the next term. The chief executive of each
18 member state shall promptly notify the chief executive of all other
19 states of when this agreement has been enacted and has taken effect
20 in that official's state, when this state has withdrawn from this
21 agreement and when this agreement takes effect generally. This
22 agreement terminates if the electoral college is abolished. If any
23 provision of this agreement is held invalid, the remaining
24 provisions are not affected.

1 **ARTICLE V. DEFINITIONS.**

2 For purposes of this agreement:

3 "Chief executive" means the Governor of a State of the United
4 States or the Mayor of the District of Columbia;

5 "Elector slate" means a slate of candidates who have been
6 nominated in a state for the position of presidential elector in
7 association with a presidential slate;

8 "Chief election official" means the state official or body
9 that is authorized to certify the total number of popular votes for
10 each presidential slate;

11 "Presidential elector" means an elector for President and
12 Vice President of the United States;

13 "Presidential elector certifying official" means the state
14 official or body that is authorized to certify the appointment of
15 the state's presidential electors;

16 "Presidential slate" means a slate of two persons, the first
17 of whom has been nominated as a candidate for President of the
18 United States and the second of whom has been nominated as a
19 candidate for Vice President of the United States, or any legal
20 successors to those persons, regardless of whether both names
21 appear on the ballot presented to the voter in a particular state;

22 "State" means a State of the United States and the District of
23 Columbia; and

24 "Statewide popular election" means a general election in which

1 votes are cast for presidential slates by individual voters and
2 counted on a statewide basis.

NOTE: The purpose of this bill is to enter West Virginia into an interstate compact known as the Agreement Among the states to Elect the President by National Popular Vote. Under the compact, the state agrees to award its electoral votes to the presidential ticket that receives the most popular votes in all 50 states and the District of Columbia. The compact goes into effect when states cumulatively possessing a majority of the electoral votes have joined the compact.

This article is new; therefore, it has been completely underscored.