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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

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## DIGEST

Present law, relative to the allocation of presidential electors, provides that a vote for presidential and vice presidential candidates is a vote for each of the electors nominated in support of those candidates and provides that the secretary of state ascertain from the returns the slate of candidates who received the greatest number of votes cast for presidential electors. Present law further provides that the governor is to issue a certification of election to the persons elected and authorize them to cast the vote of the state for president and vice president.

Proposed law enters La. into the interstate compact titled the "Agreement Among the States to Elect the President by National Popular Vote" (the agreement).

Proposed law provides for the compact to become effective when states cumulatively possessing a majority of the electoral votes have enacted the interstate compact in substantially the same form and the enactments by such states have taken effect in each state.

Proposed law sets forth the complete text of the agreement.

The agreement (Article I) provides that any state of the U.S. and the District of Columbia may become a member of the compact by enacting it.

The agreement (Article II) requires each member state to conduct a statewide popular election for president and vice president of the U.S.

The agreement (Article III) provides that prior to the time set by law for the meeting and voting by the presidential electors, the chief election official of each member state is to determine the number of votes for each presidential slate in each state and the District of Columbia and add such votes together to produce a "national popular vote total" for each presidential slate. The agreement further requires the chief election official to designate the presidential slate with the largest national popular vote total as the "national popular vote winner." The agreement further requires the presidential elector certifying official of each member state to 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. The agreement further requires that at least six days before the day fixed by law for the meeting and voting by the presidential electors, each member state is to make a final determination of the number of popular votes cast in the state for each presidential slate and communicate an official statement of such determination within 24 hours to the chief election official of each other member state. The agreement further requires the chief election official of each member state to 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. The agreement further requires that in the event of a tie for the winner, the

presidential elector certifying official of each member state is to 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. The agreement further requires that 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 is to certify the appointment of such nominees. The agreement further requires the chief election official of each member state to immediately release to the public all vote counts or statements of votes as they are determined or obtained. The agreement further requires that the agreement governs the appointment of presidential electors in each member state in any year in which it is in effect in states cumulatively possessing a majority of the electoral votes (on July 20).

The agreement (Article IV) provides that any member state may withdraw from the agreement, except that a withdrawal occurring six months or less before the end of a president's term does not become effective until a president or vice president has been qualified to serve the next term. The agreement further requires the chief executive of each member state to promptly notify the chief executive of all other states when the agreement has been enacted and taken effect in the state, when the state has withdrawn from the agreement, and when the agreement takes effect generally. The agreement further requires for the agreement to terminate if the electoral college is abolished. The agreement further requires that if any provision of the agreement is held invalid, the remaining provisions are not affected.

Effective August 15, 2011.

(Adds R.S. 18:1266)