

REFERENCE TITLE: national popular vote; interstate agreement

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

## **HB 2194**

Introduced by  
Representatives Powers Hannley: Andrade, Blackwater-Nygren, Cano,  
Dalessandro, Fernandez B, Quiñonez, Schwiebert, Solorio

AN ACT

AMENDING TITLE 16, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 9; RELATING  
TO VOTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 16, Arizona Revised Statutes, is amended by adding  
3 chapter 9, to read:

4 CHAPTER 9

5 AGREEMENT AMONG THE STATES TO ELECT  
6 THE PRESIDENT BY NATIONAL POPULAR VOTE

7 ARTICLE 1. ADOPTION

8 16-1201. Adoption and text of compact

9 THE AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL  
10 POPULAR VOTE IS ENTERED INTO BY THIS STATE WITH ALL OTHER JURISDICTIONS  
11 LEGALLY JOINING SUCH AGREEMENT IN THE FORM SUBSTANTIALLY AS FOLLOWS:

12 ARTICLE I-MEMBERSHIP

13 ANY STATE OF THE UNITED STATES AND THE DISTRICT OF COLUMBIA MAY  
14 BECOME A MEMBER OF THIS AGREEMENT BY ENACTING THIS AGREEMENT.

15 ARTICLE II-RIGHT OF THE PEOPLE IN MEMBER STATES  
16 TO VOTE FOR PRESIDENT AND VICE PRESIDENT

17 EACH MEMBER STATE SHALL CONDUCT A STATEWIDE POPULAR ELECTION FOR  
18 PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES.

19 ARTICLE III-MANNER OF APPOINTING

20 PRESIDENTIAL ELECTORS IN MEMBER STATES

21 A. BEFORE THE TIME SET BY LAW FOR THE MEETING AND VOTING BY THE  
22 PRESIDENTIAL ELECTORS, THE CHIEF ELECTION OFFICIAL OF EACH MEMBER STATE  
23 SHALL DETERMINE THE NUMBER OF VOTES FOR EACH PRESIDENTIAL SLATE IN EACH  
24 STATE OF THE UNITED STATES AND IN THE DISTRICT OF COLUMBIA IN WHICH VOTES  
25 HAVE BEEN CAST IN A STATEWIDE POPULAR ELECTION AND SHALL ADD SUCH VOTES  
26 TOGETHER TO PRODUCE A "NATIONAL POPULAR VOTE TOTAL" FOR EACH PRESIDENTIAL  
27 SLATE.

28 B. THE CHIEF ELECTION OFFICIAL OF EACH MEMBER STATE SHALL DESIGNATE  
29 THE PRESIDENTIAL SLATE WITH THE LARGEST NATIONAL POPULAR VOTE TOTAL AS THE  
30 "NATIONAL POPULAR VOTE WINNER".

31 C. THE PRESIDENTIAL ELECTOR CERTIFYING OFFICIAL OF EACH MEMBER  
32 STATE SHALL CERTIFY THE APPOINTMENT IN THAT OFFICIAL'S OWN STATE OF THE  
33 ELECTOR SLATE NOMINATED IN THAT STATE IN ASSOCIATION WITH THE NATIONAL  
34 POPULAR VOTE WINNER.

35 D. AT LEAST SIX DAYS BEFORE THE DAY FIXED BY LAW FOR THE MEETING  
36 AND VOTING BY THE PRESIDENTIAL ELECTORS, EACH MEMBER STATE SHALL MAKE A  
37 FINAL DETERMINATION OF THE NUMBER OF POPULAR VOTES CAST IN THE STATE FOR  
38 EACH PRESIDENTIAL SLATE AND SHALL COMMUNICATE AN OFFICIAL STATEMENT OF  
39 SUCH DETERMINATION WITHIN TWENTY-FOUR HOURS TO THE CHIEF ELECTION OFFICIAL  
40 OF EACH OTHER MEMBER STATE.

41 E. THE CHIEF ELECTION OFFICIAL OF EACH MEMBER STATE SHALL TREAT AS  
42 CONCLUSIVE AN OFFICIAL STATEMENT CONTAINING THE NUMBER OF POPULAR VOTES IN  
43 A STATE FOR EACH PRESIDENTIAL SLATE MADE BY THE DAY ESTABLISHED BY FEDERAL  
44 LAW FOR MAKING A STATE'S FINAL DETERMINATION CONCLUSIVE AS TO THE COUNTING  
45 OF ELECTORAL VOTES BY CONGRESS.

1 F. IN EVENT OF A TIE FOR THE NATIONAL POPULAR VOTE WINNER, THE  
2 PRESIDENTIAL ELECTOR CERTIFYING OFFICIAL OF EACH MEMBER STATE SHALL  
3 CERTIFY THE APPOINTMENT OF THE ELECTOR SLATE NOMINATED IN ASSOCIATION WITH  
4 THE PRESIDENTIAL SLATE RECEIVING THE LARGEST NUMBER OF POPULAR VOTES  
5 WITHIN THAT OFFICIAL'S OWN STATE.

6 G. IF, FOR ANY REASON, THE NUMBER OF PRESIDENTIAL ELECTORS  
7 NOMINATED IN A MEMBER STATE IN ASSOCIATION WITH THE NATIONAL POPULAR VOTE  
8 WINNER IS LESS THAN OR GREATER THAN THAT STATE'S NUMBER OF ELECTORAL  
9 VOTES, THE PRESIDENTIAL CANDIDATE ON THE PRESIDENTIAL SLATE THAT HAS BEEN  
10 DESIGNATED AS THE NATIONAL POPULAR VOTE WINNER SHALL HAVE THE POWER TO  
11 NOMINATE THE PRESIDENTIAL ELECTORS FOR THAT STATE AND THAT STATE'S  
12 PRESIDENTIAL ELECTOR CERTIFYING OFFICIAL SHALL CERTIFY THE APPOINTMENT OF  
13 SUCH NOMINEES.

14 H. THE CHIEF ELECTION OFFICIAL OF EACH MEMBER STATE SHALL  
15 IMMEDIATELY RELEASE TO THE PUBLIC ALL VOTE COUNTS OR STATEMENTS OF VOTES  
16 AS THEY ARE DETERMINED OR OBTAINED.

17 I. THIS ARTICLE SHALL GOVERN THE APPOINTMENT OF PRESIDENTIAL  
18 ELECTORS IN EACH MEMBER STATE IN ANY YEAR IN WHICH THIS AGREEMENT IS, ON  
19 JULY 20, IN EFFECT IN STATES CUMULATIVELY POSSESSING A MAJORITY OF THE  
20 ELECTORAL VOTES.

21 ARTICLE IV-OTHER PROVISIONS

22 A. THIS AGREEMENT SHALL TAKE EFFECT WHEN STATES CUMULATIVELY  
23 POSSESSING A MAJORITY OF THE ELECTORAL VOTES HAVE ENACTED THIS AGREEMENT  
24 IN SUBSTANTIALLY THE SAME FORM AND THE ENACTMENTS BY SUCH STATES HAVE  
25 TAKEN EFFECT IN EACH STATE.

26 B. ANY MEMBER STATE MAY WITHDRAW FROM THIS AGREEMENT, EXCEPT THAT A  
27 WITHDRAWAL OCCURRING SIX MONTHS OR LESS BEFORE THE END OF A PRESIDENT'S  
28 TERM SHALL NOT BECOME EFFECTIVE UNTIL A PRESIDENT OR VICE PRESIDENT SHALL  
29 HAVE BEEN QUALIFIED TO SERVE THE NEXT TERM.

30 C. THE CHIEF EXECUTIVE OF EACH MEMBER STATE SHALL PROMPTLY NOTIFY  
31 THE CHIEF EXECUTIVE OF ALL OTHER STATES OF WHEN THIS AGREEMENT HAS BEEN  
32 ENACTED AND HAS TAKEN EFFECT IN THAT OFFICIAL'S STATE, WHEN THE STATE HAS  
33 WITHDRAWN FROM THIS AGREEMENT, AND WHEN THIS AGREEMENT TAKES EFFECT  
34 GENERALLY.

35 D. THIS AGREEMENT SHALL TERMINATE IF THE ELECTORAL COLLEGE IS  
36 ABOLISHED.

37 E. IF ANY PROVISION OF THIS AGREEMENT IS HELD INVALID, THE  
38 REMAINING PROVISIONS SHALL NOT BE AFFECTED.

39 ARTICLE V-DEFINITIONS

40 FOR PURPOSES OF THIS AGREEMENT:

41 1. "CHIEF ELECTION OFFICIAL" MEANS THE STATE OFFICIAL OR BODY THAT  
42 IS AUTHORIZED TO CERTIFY THE TOTAL NUMBER OF POPULAR VOTES FOR EACH  
43 PRESIDENTIAL SLATE.

44 2. "CHIEF EXECUTIVE" MEANS THE GOVERNOR OF A STATE OF THE UNITED  
45 STATES OR THE MAYOR OF THE DISTRICT OF COLUMBIA.

1           3. "ELECTOR SLATE" MEANS A SLATE OF CANDIDATES WHO HAVE BEEN  
2 NOMINATED IN A STATE FOR THE POSITION OF PRESIDENTIAL ELECTOR IN  
3 ASSOCIATION WITH A PRESIDENTIAL SLATE.

4           4. "PRESIDENTIAL ELECTOR" MEANS AN ELECTOR FOR PRESIDENT AND VICE  
5 PRESIDENT OF THE UNITED STATES.

6           5. "PRESIDENTIAL ELECTOR CERTIFYING OFFICIAL" MEANS THE STATE  
7 OFFICIAL OR BODY THAT IS AUTHORIZED TO CERTIFY THE APPOINTMENT OF THE  
8 STATE'S PRESIDENTIAL ELECTORS.

9           6. "PRESIDENTIAL SLATE" MEANS A SLATE OF TWO PERSONS, THE FIRST OF  
10 WHOM HAS BEEN NOMINATED AS A CANDIDATE FOR PRESIDENT OF THE UNITED STATES  
11 AND THE SECOND OF WHOM HAS BEEN NOMINATED AS A CANDIDATE FOR VICE  
12 PRESIDENT OF THE UNITED STATES, OR ANY LEGAL SUCCESSORS TO SUCH PERSONS,  
13 REGARDLESS OF WHETHER BOTH NAMES APPEAR ON THE BALLOT PRESENTED TO THE  
14 VOTER IN A PARTICULAR STATE.

15           7. "STATE" MEANS A STATE OF THE UNITED STATES AND THE DISTRICT OF  
16 COLUMBIA.

17           8. "STATEWIDE POPULAR ELECTION" MEANS A GENERAL ELECTION IN WHICH  
18 VOTES ARE CAST FOR PRESIDENTIAL SLATES BY INDIVIDUAL VOTERS AND COUNTED ON  
19 A STATEWIDE BASIS.