

By: Senator(s) Blount

To: Elections;
Accountability, Efficiency,
Transparency

SENATE BILL NO. 2102

1 AN ACT TO ENACT INTO LAW THE AGREEMENT AMONG THE STATES TO
2 ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE AND PROVIDE THAT THE
3 STATE OF MISSISSIPPI ENTERS THE AGREEMENT WITH OTHER STATES THAT
4 JOIN IN THE AGREEMENT; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** The Agreement Among the States to Elect the
7 President by National Popular Vote is enacted into law and entered
8 into by this state with all other states legally joining in the
9 agreement in accordance with its terms, in substantially the
10 following form:

11 **ARTICLE I**

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

15 **ARTICLE II**

16 Right of the People in Member States to Vote for President
17 and Vice President. Each member state shall conduct a statewide
18 popular election for president and vice president of the United
19 States.



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ARTICLE III

Manner of Appointing Presidential Electors in Member States.

1. Prior to 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.

2. 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."

3. 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.

4. At least six (6) 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 such determination within twenty-four (24) hours to the chief election official of each other member state.

5. The chief election official of each member state shall treat as conclusive an official statement containing the number of



45 popular votes in a state for each presidential slate made by the
46 date established by federal law for making a state's final
47 determination conclusive as to the counting of electoral votes by
48 congress.

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

54 7. If, for any reason, the number of presidential electors
55 nominated in a member state in association with the national
56 popular vote winner is less than or greater than that state's
57 number of electoral votes, the presidential candidate on the
58 presidential slate that has been designated as the national
59 popular vote winner shall have the power to nominate the
60 presidential electors for that state and that state's presidential
61 elector certifying official shall certify the appointment of such
62 nominees.

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

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



70 **ARTICLE IV**

71 Other Provision. This agreement shall take effect when
72 states cumulatively possessing a majority of the electoral votes
73 have enacted this agreement in substantially the same form and the
74 enactments by such states have taken effect in each state. Any
75 member state may withdraw from this agreement, except that a
76 withdrawal occurring six (6) months or less before the end of a
77 president's term shall not become effective until a president or
78 vice president shall have been qualified to serve the next term.
79 The chief executive of each member state shall promptly notify the
80 chief executive of all other states of when this agreement has
81 been enacted and has taken effect in that official's state, when
82 the state has withdrawn from this agreement, and when this
83 agreement takes effect generally.

84 This agreement shall terminate if the electoral college is
85 abolished.

86 If any provision of this agreement is held invalid, the
87 remaining provisions shall not be affected.

88 **ARTICLE V**

89 Definitions. For purposes of this agreement:

90 1. "Chief executive" shall mean the governor of a state of
91 the United States or the mayor of the District of Columbia.

92 2. "Elector slate" shall mean a slate of candidates who have
93 been nominated in a state for the position of presidential elector
94 in association with a presidential slate.



95 3. "Chief election official" shall mean the state official
96 or body that is authorized to certify the total number of popular
97 votes for each presidential slate.

98 4. "Presidential elector" shall mean an elector for
99 president and vice president of the United States.

100 5. "Presidential elector certifying official" shall mean the
101 state official or body that is authorized to certify the
102 appointment of the state's presidential electors.

103 6. "Presidential slate" shall mean a slate of two (2)
104 persons, the first of whom has been nominated as a candidate for
105 president of the United States and the second of whom has been
106 nominated as a candidate for vice president of the United States,
107 or any legal successors to such persons, regardless of whether
108 both names appear on the ballot presented to the voter in a
109 particular state.

110 7. "State" shall mean a state of the United States and the
111 District of Columbia.

112 8. "Statewide popular election" shall mean a general
113 election in which votes are cast for presidential slates by
114 individual voters and counted on a statewide basis.

115 **SECTION 2.** This act shall take effect and be in force from
116 and after July 1, 2021.

