

By: Representative Holloway

To: Apportionment and Elections

HOUSE BILL NO. 176

1 AN ACT TO AMEND SECTION 23-15-771, MISSISSIPPI CODE OF 1972,  
 2 TO PROVIDE THAT ONE PRESIDENTIAL ELECTOR SHALL BE CHOSEN FROM EACH  
 3 CONGRESSIONAL DISTRICT, AND TWO PRESIDENTIAL ELECTORS SHALL BE  
 4 CHOSEN AT LARGE; TO PROVIDE THAT THE PRESIDENTIAL ELECTORS CHOSEN  
 5 FROM EACH CONGRESSIONAL DISTRICT SHALL BE A RESIDENT AND QUALIFIED  
 6 ELECTOR OF THE CONGRESSIONAL DISTRICT FROM WHICH THEY ARE CHOSEN;  
 7 TO AMEND SECTIONS 23-15-781, 23-15-785, 23-15-789 AND 23-15-1055,  
 8 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND  
 9 FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 23-15-771, Mississippi Code of 1972, is  
 12 amended as follows:

13 23-15-771. At the state convention, a slate of electors  
 14 composed of the number of electors allotted to this state, which  
 15 said electors announce a clearly expressed design and purpose to  
 16 support the candidates for President and Vice President of the  
 17 national political party with which the said party of this state  
 18 has had an affiliation and identity of purpose heretofore, shall  
 19 be designated and selected for a place upon the primary election  
 20 ballot to be held as herein provided. One (1) presidential  
 21 elector shall be chosen from each congressional district, and two



22 (2) presidential electors shall be chosen at large. The  
23 presidential electors chosen from each congressional district  
24 shall be a resident and qualified elector of the congressional  
25 district from which they are chosen.

26 **SECTION 2.** Section 23-15-781, Mississippi Code of 1972, is  
27 amended as follows:

28 23-15-781. The number of electors of President and Vice  
29 President of the United States to which this state may be  
30 entitled, shall be chosen by the qualified electors of the state  
31 at large and each congressional district, on the first Tuesday  
32 after the first Monday of November in the year in which an  
33 election of President and Vice President shall occur.

34 **SECTION 3.** Section 23-15-785, Mississippi Code of 1972, is  
35 amended as follows:

36 23-15-785. (1) When presidential electors are to be chosen,  
37 the Secretary of State of Mississippi shall certify to the circuit  
38 clerks of the several counties the names of all candidates for  
39 President and Vice President who are nominated by any national  
40 convention or other like assembly of any political party or by  
41 written petition signed by at least one thousand (1,000) qualified  
42 voters of this state.

43 (2) The certificate of nomination by a political party  
44 convention must be signed by the presiding officer and secretary  
45 of the convention and by the chairman of the state executive  
46 committee of the political party making the nomination. Any



47 nominating petition, to be valid, must contain the signatures as  
48 well as the addresses of the petitioners. The certificates and  
49 petitions must be filed with the State Board of Election  
50 Commissioners by filing them in the Office of the Secretary of  
51 State by 5:00 p.m. not less than sixty (60) days previous to the  
52 day of the election.

53 (3) Each certificate of nomination and nominating petition  
54 must be accompanied by a list of the names and addresses of  
55 persons, who shall be qualified voters of this state, equal in  
56 number to the number of presidential electors to be chosen.

57 (a) Each person \* \* \* who is an at-large presidential  
58 elector shall execute the following statement which shall be  
59 attached to the certificate or petition when it is filed with the  
60 State Board of Election Commissioners: "I do hereby consent and  
61 do hereby agree to serve as elector for President and Vice  
62 President of the United States, if elected to that position, and  
63 do hereby agree that, if so elected, I shall cast my ballot \* \* \*  
64 for President and Vice President for the presidential and  
65 vice-presidential candidates who received the highest number of  
66 votes in the state.

67 (b) Each person who is a congressional district  
68 presidential elector shall execute the following statement which  
69 shall be attached to the certificate or petition when it is filed  
70 with the State Board of Election Commissioners: "I do hereby  
71 consent and do hereby agree to serve as elector for President and



72 Vice President of the United States, if elected to that position,  
73 and do hereby agree that, if so elected, I shall cast my ballot  
74 for President and Vice President for the presidential and  
75 vice-presidential candidates who received the highest number of  
76 votes in my congressional district.

77 (4) The State Board of Election Commissioners and any other  
78 official charged with the preparation of official ballots shall  
79 place on such official ballots the words "PRESIDENTIAL ELECTORS  
80 FOR (here insert the name of the candidate for President, the word  
81 'AND' and the name of the candidate for Vice President)" in lieu  
82 of placing the names of such presidential electors on the official  
83 ballots, and a vote cast therefor shall be counted and shall be in  
84 all respects effective as a vote for each of the presidential  
85 electors representing those candidates for President and Vice  
86 President of the United States. In the case of unpledged  
87 electors, the State Board of Election Commissioners and any other  
88 official charged with the preparation of official ballots shall  
89 place on such official ballots the words "UNPLEDGED ELECTOR(S)  
90 (here insert the name(s) of individual unpledged elector(s) if  
91 placed upon the ballot based upon a petition granted in the manner  
92 provided by law stating the individual name(s) of the elector(s)  
93 rather than a slate of electors)."

94 **SECTION 4.** Section 23-15-789, Mississippi Code of 1972, is  
95 amended as follows:



96           23-15-789. The electors chosen shall meet at the seat of  
97 government of the state on the first Monday after the second  
98 Wednesday in December next following their election, and shall  
99 there give their votes for President and Vice President of the  
100 United States, and shall make return thereof agreeably to the laws  
101 of the United States; and should any elector so chosen fail to  
102 attend and give his vote, the other electors attending shall  
103 appoint some person or persons to fill the vacancy or vacancies,  
104 who shall attend and vote as electors; and such appointment shall  
105 be forthwith reported to the Secretary of State. Each at-large  
106 presidential elector shall give his or her vote for the  
107 presidential and vice-presidential candidates who received the  
108 highest number of votes in the state and consistent with his or  
109 her pledge. Each congressional district presidential elector  
110 shall give his or her vote for the presidential and  
111 vice-presidential candidates who received the highest number of  
112 votes in his or her congressional district and consistent with his  
113 or her pledge.

114           **SECTION 5.** Section 23-15-1055, Mississippi Code of 1972, is  
115 amended as follows:

116           23-15-1055. Except as otherwise provided in this chapter,  
117 the state executive committee of each political party shall  
118 determine the method and procedures by which delegates and  
119 delegate alternates to the national nominating conventions are to  
120 be selected as well as adopt any other rule not inconsistent with



121 this chapter. The state executive committee of the political  
122 party shall establish, at least ninety (90) days prior to the  
123 second Tuesday in March in years in which a presidential election  
124 is held, procedures to be followed in the nomination of candidates  
125 for delegates and delegate alternates to the nominating convention  
126 of the political party. A copy of any rule or regulation adopted  
127 by the state executive committee shall be sent to the Secretary of  
128 State within seven (7) days after its adoption to become a public  
129 record.

130       **SECTION 6.** This act shall take effect and be in force from  
131 and after July 1, 2022.

