

By: Senator(s) Williamson, Jackson (11th),
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Thomas

To: Elections

SENATE BILL NO. 2284

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 COMPACT WITH OTHER STATES THAT
4 JOIN IN THE COMPACT; TO PROVIDE THAT UNDER THE COMPACT, THE
5 PRESENT OF THE UNITED STATES BE ELECTED USING THE VOTE TOTAL FROM
6 THE NATIONAL POPULAR VOTE; TO AMEND SECTION 23-15-785, MISSISSIPPI
7 CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** The Agreement Among the States to Elect the
10 President by National Popular Vote is enacted into law and entered
11 into by this state with any and all states legally joining in the
12 compact in accordance with its terms, in the form substantially as
13 follows:

14 **AGREEMENT AMONG THE STATES TO ELECT**

15 **THE PRESIDENT BY NATIONAL POPULAR VOTE**

16 **ARTICLE I**

17 **Membership**

18 Any state of the United States and the District of Columbia
19 may become a member of this agreement by enacting this agreement.

20 **ARTICLE II**

21 **Right of the People in Member States of**

22 **Vote for President and Vice President**

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

25 **ARTICLE III**

26 **Manner of Appointing Presidential Electors in Member States**

27 Prior to the time set by law for the meeting and voting by
28 the presidential electors, the chief election official of each
29 member state shall determine the number of votes for each

30 presidential slate in each state of the United States and in the
31 District of Columbia in which votes have been cast in a statewide
32 popular election and shall add such votes together to produce a
33 "national popular vote total" for each presidential slate.

34 The chief election official of each member state shall
35 designate the presidential slate with the largest national popular
36 vote total as the "national popular vote winner."

37 The presidential elector certifying official of each member
38 state shall certify the appointment in that official's own state
39 of the elector slate nominate in that state in association with
40 the national popular vote winner.

41 At least six (6) days before the day fixed by law for the
42 meeting and voting by the presidential electors, each member state
43 shall make a final determination of the number of popular votes
44 cast in the state for each presidential slate and shall
45 communicate an official statement of such determination within
46 twenty-four (24) hours to the chief election official of each
47 other member state.

48 The chief election official of each member state shall treat
49 as conclusive an official statement containing the number of
50 popular votes in a state for each presidential slate made by the
51 day established by federal law for making a state's final
52 determination conclusive as to the counting of electoral votes by
53 Congress.

54 In the event of a tie for the national popular vote winner,
55 the presidential elector certifying official of each member state
56 shall certify the appointment of the elector slate nominate in
57 association with the presidential slate receiving the largest
58 number of popular votes within that official's own state.

59 If, for any reason, the number of presidential electors
60 nominate in a member state in association with the national
61 popular vote winner is less than or greater than that state's
62 number of electoral votes, the presidential candidate on the

63 presidential slate that has been designated as the national
64 popular vote winner shall have the power to nominate the
65 presidential electors for that state and that state's presidential
66 elector certifying official shall certify the appointment of such
67 nominees. The chief election official of each member state shall
68 immediately release to the public all vote counts or statements of
69 votes as they are determined or obtained.

70 This article shall govern the appointment of presidential
71 electors in each member state in any year in which this agreement
72 is, on July 20, in effect in states cumulatively possessing a
73 majority of the electoral votes.

74 **ARTICLE IV**

75 **Other Provisions**

76 This agreement shall take effect when states cumulatively
77 possessing a majority of the electoral votes have enacted this
78 agreement in substantially the same form and the enactments by
79 such states have taken effect in each state.

80 Any member state may withdraw from this agreement, except
81 that a withdrawal occurring six (6) months or less before the end
82 of a President's term shall not become effective until a President
83 or Vice President shall have been qualified to serve the next
84 term.

85 The chief executive of each member state shall promptly
86 notify the chief executive of all other states of when this
87 agreement has been enacted and has taken effect in that official's
88 state, when the state has withdrawn from this agreement, and when
89 this agreement takes effect generally.

90 This agreement shall terminate if the electoral college is
91 abolished.

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

94 **ARTICLE V**

95 **Definitions**

96 For purposes of this agreement:

97 "Chief executive" means the Governor of a state of the United
98 States or the Mayor of the District of Columbia;

99 "Elector slate" means a slate of candidates who have been
100 nominated in a state for the position of presidential elector in
101 association with a presidential slate;

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

105 "Presidential elector" means an elector for President and
106 Vice President of the United States;

107 "Presidential elector certifying official" means the state
108 official or body that is authorized to certify the appointment of
109 the state's presidential electors;

110 "Presidential slate" means a slate of two (2) persons, the
111 first of whom has been nominated as a candidate for President of
112 the United States and the second of whom has been nominated as a
113 candidate for Vice President of the United States, or any legal
114 successors to such persons, regardless of whether both names
115 appear on the ballot presented to the voter in a particular state;

116 "State" means a state of the United States and the District
117 of Columbia; and

118 "Statewide popular election" means a general election in
119 which votes are cast for presidential slates by individual voters
120 and counted on a statewide basis.

121 **SECTION 2.** Section 23-15-785, Mississippi Code of 1972, is
122 amended as follows:

123 23-15-785. Except as otherwise provided in Section 1 of
124 Senate Bill No. 2284, 2007 Regular Session:

125 (a) When presidential electors are to be chosen, the
126 Secretary of State of Mississippi shall certify to the circuit
127 clerks of the several counties the names of all candidates for
128 President and Vice President who are nominated by any national

129 convention or other like assembly of any political party or by
130 written petition signed by at least one thousand (1,000) qualified
131 voters of this state.

132 (b) The certificate of nomination by a political party
133 convention must be signed by the presiding officer and secretary
134 of the convention and by the chairman of the state executive
135 committee of the political party making the nomination. Any
136 nominating petition, to be valid, must contain the signatures as
137 well as the addresses of the petitioners. Such certificates and
138 petitions must be filed with the State Board of Election
139 Commissioners by filing the same in the office of the Secretary of
140 State not less than sixty (60) days previous to the day of the
141 election.

142 (c) Each certificate of nomination and nominating
143 petition must be accompanied by a list of the names and addresses
144 of persons, who shall be qualified voters of this state, equal in
145 number to the number of presidential electors to be chosen. Each
146 person so listed shall execute the following statement which shall
147 be attached to the certificate or petition when the same is filed
148 with the State Board of Election Commissioners: "I do hereby
149 consent and do hereby agree to serve as elector for President and
150 Vice President of the United States, if elected to that position,
151 and do hereby agree that, if so elected, I shall cast my ballot as
152 such for _____ for President and _____ for Vice President of
153 the United States" (inserting in said blank spaces the respective
154 names of the persons named as nominees for said respective offices
155 in the certificate to which this statement is attached).

156 (d) The State Board of Election Commissioners and any
157 other official charged with the preparation of official ballots
158 shall place on such official ballots the words "PRESIDENTIAL
159 ELECTORS FOR (here insert the name of the candidate for President,
160 the word 'AND' and the name of the candidate for Vice President)"
161 in lieu of placing the names of such presidential electors on such

162 official ballots, and a vote cast therefor shall be counted and
163 shall be in all respects effective as a vote for each of the
164 presidential electors representing such candidates for President
165 and Vice President of the United States. In the case of unpledged
166 electors, the State Board of Election Commissioners and any other
167 official charged with the preparation of official ballots shall
168 place on such official ballots the words "UNPLEDGED ELECTOR(S)
169 (here insert the name(s) of individual unpledged elector(s) if
170 placed upon the ballot based upon a petition granted in the manner
171 provided by law stating the individual name(s) of the elector(s)
172 rather than a slate of electors)."

173 **SECTION 3.** The Attorney General of the State of Mississippi
174 shall submit this act, immediately upon approval by the Governor,
175 or upon approval by the Legislature subsequent to a veto, to the
176 Attorney General of the United States or to the United States
177 District Court for the District of Columbia in accordance with the
178 provisions of the Voting Rights Act of 1965, as amended and
179 extended.

180 **SECTION 4.** This act shall take effect and be in force from
181 and after the date it is effectuated under Section 5 of the Voting
182 Rights Act of 1965, as amended and extended.