

By: Representative Banks

To: Rules

HOUSE BILL NO. 1263

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; TO BRING FORWARD SECTIONS 23-15-771,  
 5 23-15-781, 23-15-785, 23-15-787 AND 23-15-789, MISSISSIPPI CODE OF  
 6 1972, WHICH PROVIDE FOR THE SELECTION OF PRESIDENTIAL ELECTORS AT  
 7 GENERAL ELECTION, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR  
 8 RELATED PURPOSES.

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

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

15 **ARTICLE I**

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

19 **ARTICLE II**

20 Right of the People in Member States to Vote for President  
 21 and Vice President. Each member state shall conduct a statewide



22 popular election for President and Vice President of the United  
23 States.

24 **ARTICLE III**

25 Manner of Appointing Presidential Electors in Member States.

26 1. Prior to the time set by law for the meeting and voting  
27 by the presidential electors, the chief election official of each  
28 member state shall determine the number of votes for each  
29 presidential slate in each state of the United States and in the  
30 District of Columbia in which votes have been cast in a statewide  
31 popular election and shall add such votes together to produce a  
32 "national popular vote total" for each presidential slate.

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

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

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



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

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

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

67           8. 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           9. 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 twentieth, in effect in states cumulatively possessing  
73 a majority of the electoral votes.

74 **ARTICLE IV**

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

88 This agreement shall terminate if the electoral college is  
89 abolished.

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

92 **ARTICLE V**

93 Definitions. For purposes of this agreement:

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



96           2. "Elector slate" shall mean a slate of candidates who have  
97 been nominated in a state for the position of presidential elector  
98 in association with a presidential slate.

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

102           4. "Presidential elector" shall mean an elector for  
103 President and Vice President of the United States.

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

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

114           7. "State" shall mean a state of the United States and the  
115 District of Columbia.

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

119           **SECTION 2.** Section 23-15-771, Mississippi Code of 1972, is  
120 brought forward as follows:



121           23-15-771. At the state convention, a slate of electors  
122 composed of the number of electors allotted to this state, which  
123 said electors announce a clearly expressed design and purpose to  
124 support the candidates for President and Vice President of the  
125 national political party with which the said party of this state  
126 has had an affiliation and identity of purpose heretofore, shall  
127 be designated and selected for a place upon the primary election  
128 ballot to be held as herein provided.

129           **SECTION 3.** Section 23-15-781, Mississippi Code of 1972, is  
130 brought forward as follows:

131           23-15-781. The number of electors of President and Vice  
132 President of the United States to which this state may be  
133 entitled, shall be chosen by the qualified electors of the state  
134 at large, on the first Tuesday after the first Monday of November  
135 in the year in which an election of President and Vice President  
136 shall occur.

137           **SECTION 4.** Section 23-15-785, Mississippi Code of 1972, is  
138 brought forward as follows:

139           23-15-785. (1) When presidential electors are to be chosen,  
140 the Secretary of State of Mississippi shall certify to the circuit  
141 clerks of the several counties the names of all candidates for  
142 President and Vice President who are nominated by any national  
143 convention or other like assembly of any political party or by  
144 written petition signed by at least one thousand (1,000) qualified  
145 voters of this state.



146           (2) The certificate of nomination by a political party  
147 convention must be signed by the presiding officer and secretary  
148 of the convention and by the chairman of the state executive  
149 committee of the political party making the nomination. Any  
150 nominating petition, to be valid, must contain the signatures as  
151 well as the addresses of the petitioners. The certificates and  
152 petitions must be filed with the State Board of Election  
153 Commissioners by filing them in the Office of the Secretary of  
154 State by 5:00 p.m. not less than sixty (60) days previous to the  
155 day of the election.

156           (3) Each certificate of nomination and nominating petition  
157 must be accompanied by a list of the names and addresses of  
158 persons, who shall be qualified voters of this state, equal in  
159 number to the number of presidential electors to be chosen. Each  
160 person so listed shall execute the following statement which shall  
161 be attached to the certificate or petition when it is filed with  
162 the State Board of Election Commissioners: "I do hereby consent  
163 and do hereby agree to serve as elector for President and Vice  
164 President of the United States, if elected to that position, and  
165 do hereby agree that, if so elected, I shall cast my ballot as  
166 such for \_\_\_\_\_ for President and \_\_\_\_\_ for Vice President of  
167 the United States" (inserting in said blank spaces the respective  
168 names of the persons named as nominees for said respective offices  
169 in the certificate to which this statement is attached).



170 (4) The State Board of Election Commissioners and any other  
171 official charged with the preparation of official ballots shall  
172 place on such official ballots the words "PRESIDENTIAL ELECTORS  
173 FOR (here insert the name of the candidate for President, the word  
174 'AND' and the name of the candidate for Vice President)" in lieu  
175 of placing the names of such presidential electors on the official  
176 ballots, and a vote cast therefor shall be counted and shall be in  
177 all respects effective as a vote for each of the presidential  
178 electors representing those candidates for President and Vice  
179 President of the United States. In the case of unpledged  
180 electors, the State Board of Election Commissioners and any other  
181 official charged with the preparation of official ballots shall  
182 place on such official ballots the words "UNPLEDGED ELECTOR(S)  
183 (here insert the name(s) of individual unpledged elector(s) if  
184 placed upon the ballot based upon a petition granted in the manner  
185 provided by law stating the individual name(s) of the elector(s)  
186 rather than a slate of electors)."

187 **SECTION 5.** Section 23-15-787, Mississippi Code of 1972, is  
188 brought forward as follows:

189 23-15-787. The Secretary of State shall, immediately after  
190 ascertaining the result, transmit by mail a notice, in writing, to  
191 the persons elected.

192 **SECTION 6.** Section 23-15-789, Mississippi Code of 1972, is  
193 brought forward as follows:





194           23-15-789. The electors chosen shall meet at the seat of  
195 government of the state on the first Monday after the second  
196 Wednesday in December next following their election, and shall  
197 there give their votes for President and Vice President of the  
198 United States, and shall make return thereof agreeably to the laws  
199 of the United States; and should any elector so chosen fail to  
200 attend and give his vote, the other electors attending shall  
201 appoint some person or persons to fill the vacancy or vacancies,  
202 who shall attend and vote as electors; and such appointment shall  
203 be forthwith reported to the Secretary of State.

204           **SECTION 7.** This act shall take effect and be in force from  
205 and after July 1, 2022.

