

By: Representative Currie

To: Apportionment and
Elections

HOUSE BILL NO. 1176

1 AN ACT TO AMEND SECTION 23-15-785, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT NO OFFICER, EMPLOYEE, OR CONTRACTOR OF THIS STATE
 3 OR ITS POLITICAL SUBDIVISIONS SHALL PUBLICLY RELEASE THE NUMBER OF
 4 VOTES CAST IN THE GENERAL ELECTION FOR PRESIDENT OF THE UNITED
 5 STATES UNTIL AFTER THE TIME SET BY LAW FOR THE MEETING AND VOTING
 6 OF PRESIDENTIAL ELECTORS HAS PASSED IN ALL STATES; TO BRING
 7 FORWARD SECTIONS 23-15-787 AND 23-15-789, MISSISSIPPI CODE OF
 8 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED
 9 PURPOSES.

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

11 **SECTION 1.** Section 23-15-785, Mississippi Code of 1972, is
 12 amended as follows:

13 23-15-785. (1) When presidential electors are to be chosen,
 14 the Secretary of State of Mississippi shall certify to the circuit
 15 clerks of the several counties the names of all candidates for
 16 President and Vice President who are nominated by any national
 17 convention or other like assembly of any political party or by
 18 written petition signed by at least one thousand (1,000) qualified
 19 voters of this state.

20 (2) The certificate of nomination by a political party
 21 convention must be signed by the presiding officer and secretary



22 of the convention and by the chairman of the state executive
23 committee of the political party making the nomination. Any
24 nominating petition, to be valid, must contain the signatures as
25 well as the addresses of the petitioners. The certificates and
26 petitions must be filed with the State Board of Election
27 Commissioners by filing them in the Office of the Secretary of
28 State by 5:00 p.m. not less than sixty (60) days previous to the
29 day of the election.

30 (3) Each certificate of nomination and nominating petition
31 must be accompanied by a list of the names and addresses of
32 persons, who shall be qualified voters of this state, equal in
33 number to the number of presidential electors to be chosen. Each
34 person so listed shall execute the following statement which shall
35 be attached to the certificate or petition when it is filed with
36 the State Board of Election Commissioners: "I do hereby consent
37 and do hereby agree to serve as elector for President and Vice
38 President of the United States, if elected to that position, and
39 do hereby agree that, if so elected, I shall cast my ballot as
40 such for _____ for President and _____ for Vice President of
41 the United States" (inserting in said blank spaces the respective
42 names of the persons named as nominees for said respective offices
43 in the certificate to which this statement is attached).

44 (4) The State Board of Election Commissioners and any other
45 official charged with the preparation of official ballots shall
46 place on such official ballots the words "PRESIDENTIAL ELECTORS



47 FOR (here insert the name of the candidate for President, the word
48 'AND' and the name of the candidate for Vice President)" in lieu
49 of placing the names of such presidential electors on the official
50 ballots, and a vote cast therefor shall be counted and shall be in
51 all respects effective as a vote for each of the presidential
52 electors representing those candidates for President and Vice
53 President of the United States. In the case of unpledged
54 electors, the State Board of Election Commissioners and any other
55 official charged with the preparation of official ballots shall
56 place on such official ballots the words "UNPLEDGED ELECTOR(S)
57 (here insert the name(s) of individual unpledged elector(s) if
58 placed upon the ballot based upon a petition granted in the manner
59 provided by law stating the individual name(s) of the elector(s)
60 rather than a slate of electors)."

61 (5) (a) No officer, employee, or contractor of this state
62 or its political subdivisions shall publicly release the
63 number of votes cast in the general election for president of the
64 United States until after the time set by law for the meeting and
65 voting of presidential electors has passed in all states.

66 (b) The secretary of state may release, as soon as the
67 information becomes available, the percentage of statewide votes
68 cast for each presidential candidate to the nearest tenth of a
69 percentage point, a list of presidential candidates in order of
70 increasing or decreasing percentage totals, and the winner of the
71 election. The secretary of state may also release partial results



72 prior to receiving results from all voting districts, and in such
73 case may release the percentage of the state's registered voters
74 represented by those voting districts.

75 **SECTION 2.** Section 23-15-787, Mississippi Code of 1972, is
76 brought forward as follows:

77 23-15-787. The Secretary of State shall, immediately after
78 ascertaining the result, transmit by mail a notice, in writing, to
79 the persons elected.

80 **SECTION 3.** Section 23-15-789, Mississippi Code of 1972, is
81 brought forward as follows:

82 23-15-789. The electors chosen shall meet at the seat of
83 government of the state on the first Monday after the second
84 Wednesday in December next following their election, and shall
85 there give their votes for President and Vice President of the
86 United States, and shall make return thereof agreeably to the laws
87 of the United States; and should any elector so chosen fail to
88 attend and give his vote, the other electors attending shall
89 appoint some person or persons to fill the vacancy or vacancies,
90 who shall attend and vote as electors; and such appointment shall
91 be forthwith reported to the Secretary of State.

92 **SECTION 4.** This act shall take effect and be in force from
93 and after such time that states cumulatively possessing a majority
94 of the electoral votes have enacted the National Popular Vote
95 Interstate Compact in substantially the same form and the
96 enactments by such states have taken effect in each such state.

