

January 19, 2021

**Testimony on HB 202**  
**Election Law – Presidential Elections – Selection and Voting**  
**Ways and Means**

**Position: Favorable**

Common Cause Maryland, the state organization of the national good government group, Common Cause, is pleased to join many other organizations including Fair Vote and National Popular Vote in supporting HB 202, which would strengthen Maryland's law regarding faithless electors. The bill's subject is of significant public concern and high-profile litigation culminating in *Chiafalo v. Washington*, where the U.S. Supreme Court unanimously ruled that states may adopt procedures to ensure that presidential electors vote in the manner specified by the state's law.

There are 33 states, including Maryland, that require electors to vote for the candidate they are pledged to. However, Maryland law does not provide for any penalty or other mechanism to prevent faithless electors. Five of the other 33 states provide a penalty for a faithless electoral vote, 14 states provide for the vote to be canceled and the faithless elector replaced, and two states do both.

HB 202 contains all the essential features of the Uniform Faithful Presidential Electors Act (UFPEA) recommended by the National Conference of Commissioners on Uniform State Laws. It calls for the selection of both electors and alternate electors and provides the statutory remedy for ensuring that Maryland's presidential electors vote in the manner expected and specified by law. It has a state administered pledge of faithfulness, and any attempt by a presidential elector to submit a vote in violation of his or her pledge effectively constitutes resignation from the office of elector. In the event this were to occur, it includes a mechanism for filling a vacancy created for that reason or any other is also provided.

The people in Maryland vote for the presidential and vice-presidential candidates listed on the ballot, even though electors carry out their will on the first Monday after the second Wednesday in December of a presidential election year. Elector names have not been on the ballot since the 1930s. Nobody knows the names, much less the qualifications or views of the electors, and they are not chosen by the voters or their respective political parties to exercise independent judgement. HB 202 merely recognizes that fact.

Given current levels of tension around presidential elections and electoral votes, HB 202 is a commonsense change designed to uphold the will of the people. Common Cause Maryland urges you to support it. Thank you.

