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## **HB 202- SUPPORT**

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**Testimony on HB 202 on Faithful Presidential Electors**  
**Maryland House Ways and Means Committee; Del. Anne Kaiser chair**  
*Hearing on January 19, 2021*

I am providing written testimony in favor of HB 202, the Faithful Presidential Elector Bill introduced by Delegate Dana Stein. FairVote Action is a national nonprofit, nonpartisan organization based in Maryland. Along with FairVote, where I also am president and CEO, we are recognized as leading authorities on electoral reform and the Electoral College.

In 2020, in *Chiafalo v. Washington*, the U.S. Supreme Court unanimously ruled that states can adopt procedures to ensure that presidential electors vote in the manner expected and specified by the state's law. As [FairVote explains](#), there are 33 states (plus the District of Columbia) that require electors to vote for a pledged candidate. Maryland is among those states, but does not provide for any penalty or any mechanism to prevent the deviant vote from counting as cast. Five of the other 33 states provide a penalty of some sort for a deviant vote by a faithless elector, and 14 states provide for the vote to be canceled and the faithless elector replaced (two states do both).

HB 202 would strengthen Maryland's law seeking to prevent faithless electors. It contains all the essential features of the Uniform Faithful Presidential Electors Act (UFPEA) recommended by the National Conference of Commissioners on Uniform State Laws. HB 202 calls for the election 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.

Given the Supreme Court ruling confirming the legality of the approach taken in HB 202 and given current levels of tension around presidential elections and electoral votes, HB 202 is a common sense change designed to uphold the will of the people. I urge you to support it. Thank you.