

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 927
Ways and Means

(Delegate George, *et al.*)

Elections - Presidential Electors and Electoral Votes - Equal Voice Voting

This bill changes the manner in which presidential electors in the State cast their votes for President and Vice President so that their votes are cast based on the portion of the popular vote received by each President and Vice President unit rather than all votes being cast for the President and Vice President unit that received a plurality of the votes cast for President and Vice President in the State.

Fiscal Summary

State Effect: The bill does not affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary:

Initial Calculation

To determine the number of electoral votes awarded to a President and Vice President unit, a popular vote value is calculated by dividing the number of votes cast in the State for President and Vice President of the United States by the number of presidential electors to which the State is entitled. Each President and Vice President unit's total popular vote is divided by the popular vote value. The resulting number is rounded up or down to the nearest whole number and, subject to adjustment as described below, that

number of electoral votes is awarded to the President and Vice President unit. A President and Vice President unit, however, is not awarded any electoral votes if the number of popular votes received by the unit is less than the popular vote value.

Adjustments

If the aggregate number of electoral votes determined for all President and Vice President units is greater than the number of electoral votes allocated to the State, one electoral vote is removed from the President and Vice President unit that received the fewest popular votes and was awarded at least one electoral vote. If the aggregate number of electoral votes is less than the number of electoral votes allocated to the State, one electoral vote must be added to the President and Vice President unit that received the most popular votes.

Current Law/Background: Prior to a presidential general election, each political party and candidate nominated by petition must nominate candidates for presidential elector of the party or candidate and certify the names of the presidential elector candidates to the State Board of Elections. The number of presidential elector candidates nominated must be the number Maryland is entitled to elect (equal to the combined number of U.S. Senators and Representatives).

The names of the candidates for presidential elector may not be printed on the ballot, though a vote for the candidates for President and Vice President of a political party is considered to be and counted as a vote for each of the presidential electors nominated by the party.

Federal law requires the presidential electors of each state to meet and give their votes on the first Monday after the second Wednesday in December following their appointment. Under State law, the presidential electors meet in the State House and must cast their votes for the candidates for President and Vice President who received a plurality of the votes cast in the State.

Chapters 43 and 44 of 2007 established Maryland as a member of the “Agreement Among the States to Elect the President by National Popular Vote,” under which Maryland will commit its presidential electors to the national popular vote winner in a presidential election upon the agreement taking effect. The agreement takes effect when it is enacted in substantially the same form by states cumulatively possessing a majority of the electoral votes and the enactments of the agreement have taken effect in each of those states. According to National Popular Vote Inc., a nonprofit organization that began the nationwide popular vote agreement proposal, the agreement has been enacted so far in nine states (California, Hawaii, Illinois, Maryland, Massachusetts, New Jersey, Rhode Island, Vermont, and Washington) and the District of Columbia. The nine states

in which the agreement has been enacted and the District of Columbia possess 136 electoral votes, which is 50.4% of the 270 necessary to bring the agreement into effect.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections, National Popular Vote Inc.,
Department of Legislative Services

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ncs/hlb

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