

HOUSE BILL 927

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By: **Delegates George, Afzali, Arora, Krebs, and Szeliga**

Introduced and read first time: February 5, 2014

Assigned to: Ways and Means

A BILL ENTITLED

AN ACT concerning

Elections – Presidential Electors and Electoral Votes – Equal Voice Voting

FOR the purpose of altering provisions of law governing the casting of electoral votes by presidential electors for candidates for President and Vice President of the United States; requiring that the State award its electoral votes based on the proportion of the popular vote that each President and Vice President unit receives; defining a certain term; providing for certain adjustments in the number of electoral votes that certain candidates for President and Vice President receive; and generally relating to presidential electors and electoral votes for candidates for President and Vice President.

BY repealing and reenacting, without amendments,

Article – Election Law

Section 8–504

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Election Law

Section 8–505

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Election Law

8–504.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(a) (1) At the general election for President and Vice President of the United States there shall be elected, in accordance with subsection (b) of this section, the number of presidential electors to which this State is entitled.

(2) Presidential electors shall be elected at large by the voters of the entire State.

(b) (1) The names of the candidates for the office of presidential elector may not be printed on the ballot.

(2) A vote for the candidates for President and Vice President of a political party shall be considered to be and counted as a vote for each of the presidential electors of the political party nominated in accordance with § 8-503 of this subtitle.

8-505.

(a) (1) The individuals elected to the office of presidential elector shall meet in the State House in the City of Annapolis on the day provided by the Constitution and laws of the United States.

(2) The conduct of the meeting shall be consistent with the requirements of federal law.

(b) (1) Before proceeding to perform the duties of their office, the presidential electors who are present shall fill any vacancy in the office of elector, whether the vacancy is caused by absence or other reason.

(2) An individual appointed to fill a vacancy is entitled to all rights and privileges of the duly elected electors.

(c) After taking the oath prescribed by Article I, § 9 of the Maryland Constitution before the Clerk of the Court of Appeals or, in the Clerk's absence, before one of the Clerk's deputies, the presidential electors shall cast their votes, **AS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION**, for the candidates for President and Vice President who received [a plurality of the] votes cast in the State of Maryland.

(D) (1) IN THIS SUBSECTION, "POPULAR VOTE VALUE" MEANS THE QUOTIENT, ROUNDED TO THE NEAREST WHOLE NUMBER, THAT RESULTS AFTER DIVIDING:

(I) THE NUMBER OF VOTES CAST IN THE STATE FOR ALL CANDIDATES AT THE GENERAL ELECTION FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES; AND

(II) THE NUMBER OF PRESIDENTIAL ELECTORS TO WHICH THE STATE IS ENTITLED.

(2) THE SECRETARY OF STATE SHALL DIVIDE EACH PRESIDENT AND VICE PRESIDENT UNIT'S TOTAL POPULAR VOTE BY THE POPULAR VOTE VALUE AND THEN:

(I) ROUND THAT NUMBER UP OR DOWN TO THE NEAREST WHOLE NUMBER; AND

(II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AWARD THAT PRESIDENT AND VICE PRESIDENT UNIT THE NUMBER OF ELECTORAL VOTES DETERMINED IN ITEM (I) OF THIS PARAGRAPH.

(3) (I) A PRESIDENT AND VICE PRESIDENT UNIT MAY NOT BE AWARDED ANY ELECTORAL VOTES IF THE NUMBER OF THE POPULAR VOTES RECEIVED BY THAT PRESIDENT AND VICE PRESIDENT UNIT IS LESS THAN THE POPULAR VOTE VALUE.

(II) IF THE AGGREGATE NUMBER OF ELECTORAL VOTES DETERMINED FOR ALL PRESIDENT AND VICE PRESIDENT UNITS UNDER PARAGRAPH (2) OF THIS SUBSECTION:

1. IS GREATER THAN THE NUMBER OF ELECTORAL VOTES ALLOCATED TO THE STATE, ONE ELECTORAL VOTE SHALL BE REMOVED FROM THE PRESIDENT AND VICE PRESIDENT UNIT THAT RECEIVED THE FEWEST POPULAR VOTES AND WAS AWARDED AT LEAST ONE ELECTORAL VOTE; OR

2. IS LESS THAN THE NUMBER OF ELECTORAL VOTES ALLOCATED TO THE STATE, ONE ELECTORAL VOTE SHALL BE ADDED TO THE PRESIDENT AND VICE PRESIDENT UNIT THAT RECEIVED THE MOST POPULAR VOTES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.