



Statement of the Uniform Law Commission, Represented by Maryland Commissioner Steven Leitess and ULC Legislative Counsel Kari Bearman to the Maryland Senate Committee on Education, Energy, and the Environment in Favor of Senate Bill 237 with Amendments

February 11, 2026

Dear Chair Feldman, Vice Chair Kagan, and Members of the Committee,

Thank you for the opportunity to testify in support of Senate Bill 237 which adopts the Uniform Faithful Presidential Electors Act in Maryland. A copy of the Act, as well as other supporting materials can be found on the Uniform Law Commission's (ULC) website www.uniformlaws.org.

The United States Supreme Court recently made clear that states have the authority to bind their electors to the candidates they have pledged to support. *Chiafalo v. Washington*, 591 U.S. 578 (2020), *Colorado Dep't of State v. Baca*, 591 U.S. 655 (2020). This legislation provides a remedy to protect citizens from the potential damage that could result from presidential electors who do not adhere to their obligations to vote faithfully for their parties' candidates. That harm could occur if an elector does not vote at all or votes for another candidate. While the occasional "faithless" elector has not changed the outcome of a presidential election, that is not a certainty. Maryland's present statute requires an elector to vote for his or her party's presidential ticket, however the statute has no mechanism to ensure that a presidential elector who fails to honor this requirement cannot spoil the state's intended electoral votes for the presidential candidate chosen by Maryland's voters. Senate Bill 237 is designed to fill that gap in present law.

Senate Bill 237 would enact the Uniform Faithful Presidential Electors Act in Maryland. Thirteen jurisdictions have adopted the Uniform Faithful Presidential Electors Act since it was finalized by the ULC in 2010. Five states are considering the Act in addition to Maryland this session. The bill establishes a statutory remedy if a presidential elector attempts to cast an electoral vote contrary to the outcome of Maryland's presidential popular vote.

The bill requires each elector to execute a state-administered pledge of faithfulness. If an elector attempts to vote in violation of that pledge, the statute treats the elector as having resigned from the office of elector, creating a vacancy. Senate Bill 237 then provides a mechanism to fill that vacancy promptly with a faithful elector so that the State's electoral votes reflect the will of Maryland voters. This approach was selected in lieu of relying solely on monetary penalties, because a fine was viewed as insufficient to deter an elector who is determined—or pressured—to vote contrary to the voters' choice.

Senate Bill 237 also includes safeguards designed to prevent and mitigate the potential consequences of faithless voting, including:



Uniform Law Commission

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- **An explicit pledge requirement** to provide clear notice to each elector of the obligation to vote faithfully.
- **A process for selecting substitute electors** if the number of alternate electors present is insufficient to fill a vacancy.
- **A procedure to amend the certificate of ascertainment** for transmittal by the Governor when necessary, so that the official record reflects only the electors entitled to vote and ensures that only faithful votes are counted.

The Uniform Faithful Presidential Electors Act, as adopted by Senate Bill 237, gives voters confidence that the votes they cast will be honored when the Electoral College meets to decide the president and vice president. It ensures the orderly operation of states' Electoral College voting and protects the will of the people as expressed by the underlying election.

About the Uniform Law Commission

The ULC is a 134-year-old state-supported organization. We are a group of volunteer attorneys that provide states with non-partisan, well-conceived, and well-drafted legislation that brings clarity and stability to critical areas of state statutory law. The study and drafting process is open and inclusive. It encourages participation by persons with a wide variety of perspectives and subject matter expertise, with the goal of creating the highest quality draft legislation possible.

ULC commissioners are practicing lawyers, judges, legislators and legislative staff, and law professors, who have been appointed by state governments as well as the District of Columbia, Puerto Rico and the U.S. Virgin Islands. ULC commissioners donate thousands of hours of legal work, without compensation, to research, draft, and promote enactment of uniform state laws in areas of state law where uniformity is desirable and practical.

Respectfully,

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