



Senator Brian Feldman, Chair
Senator Cheryl Kagan, Vice-Chair
Committee on Education, Energy, and the Environment
Maryland General Assembly
February 9, 2026

Testimony of Campaign Legal Center in Support of Senate Bill 237

Dear Chair Feldman, Vice-Chair Kagan, and members of the Committee:

Campaign Legal Center (“CLC”) is pleased to offer this testimony in support of Senate Bill 237, a bill that would help protect the state and its voters against instances of faithless Presidential Electors.

CLC is a nonpartisan, nonprofit organization dedicated to advancing democracy through law and policy. CLC’s mission focuses on—and its expertise is built on—laws, rules, and regulations affecting accountability in democratic institutions. Through its extensive work on voting and elections, CLC seeks to ensure a responsive and accountable government at the federal, state, and local level. CLC supports states’ ability to require electors to pledge their votes to the candidate or candidates nominated by the winning political party and authority to enforce the pledge. In 2020, CLC’s filed an amicus brief in the Supreme Court in *Chiafalo v. Washington*, further strengthening its expertise on this issue.¹

S.B. 237 is a comprehensive and necessary good governance bill that provides clarity and continuity before, during, and after the meeting of the electors for President and Vice President in the case of any unforeseen circumstances that may threaten the smooth administration of the electoral process. This bill strengthens existing law and ensures resiliency in two important ways:

First, S.B 237 binds presidential electors to their pledge to vote for the candidate or candidates of the political party that nominated them and provides mechanisms to

¹ 591 U.S. 578 (2020), *Colorado Dep’t of State v. Baca*, 591 U.S. 655 (2020).

enforce those pledges. With this legislation, the State Administrator is explicitly instructed to refuse to count any faithless votes and declare the position of the faithless elector vacant and subject to immediate replacement. Unfortunately, the political climate in the United States has created an increased risk for violence or threats of violence that may make electors vulnerable to coercion. This language will ensure the will of Maryland's voters is reflected in its electoral votes.

Second, S.B. 237 creates a consistent process for filling vacancies at the meeting of the electors by requiring alternate electors to be appointed ahead of the meeting. Further, the legislation authorizes the State Administrator to appoint replacement electors in accordance with the procedures prescribed by the statute. These new mechanisms to fill vacancies at the meeting of the electors helps guard against potential chaos or upheaval that may result from the death or withdrawal of a winning candidate or from any elector's inability to attend the meeting due to illness, natural disaster, or otherwise. Anticipating such potentially calamitous situations further ensures the will of the voters will be reflected in the state's electoral votes and that votes will be cast consistent with the timelines reflected in the Electoral College Reform Act.

The changes set forth in the bill, though seemingly modest and responsive to hopefully rare events, serve to protect against potentially calamitous risks to the democratic process that could occur as soon as 2028. A plethora of other states have taken similar action in recognition of such threats.² Like many of these laws, S.B. 237 is comprehensively based on a solid, nonpartisan foundation articulated in the Uniform Law Commission in their 2010 Uniform Faithful Presidential Electors Act (UFPEA), on with³ □

Together, the provisions of this legislation mark a major step forward in ensuring that Maryland has a clear and comprehensive process for the binding, releasing, and replacement of Presidential electors should an unlikely but potentially catastrophic scenario occur. This legislation addresses a variety of situations that have the potential to throw the vulnerable and critical post-election period into havoc and provides for thoughtful and well-structured remediations. It would align Maryland with best practices created and recommended by non-partisan entities and create a

² David Weinburg, *Which States have Robust Faithless Elector laws?*, PROTECT DEMOCRACY, available at https://docs.google.com/presentation/d/1emLYLCiuEx9nB4t-neGqYKIUyrxuqO0UMLUpnUnFfU/edit?slide=id.g362f92503a7_0_2#slide=id.g362f92503a7_0_2 (last visited Feb 6, 2026 at 5:53p.m.).

³ Am. Bar Ass'n., *Delegates Adopt Numerous Policies; Board Approves Priorities for the Year*, (Mar. 1, 2011), https://www.americanbar.org/advocacy/governmental_legislative_work/publications/governmental_affairs_periodicals/washingtonletter/2011/march/midyearmeeting/#:~:text=The%20delegates%20approved,Overseas%20Voters%20Act.

more resilient and transparent democracy wherein the will of the people will be upheld regardless of outside influence or factors.

We strongly urge this committee to support S.B. 237 and we thank you for your time and consideration. We are available for questions or outreach at any time.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christa Nicols", is written over a solid horizontal line.

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