

Department of Legislative Services
2012 Session

FISCAL AND POLICY NOTE

House Bill 387
Ways and Means

(Delegate O'Donnell)

**Presidential Elections - Agreement Among the States to Elect the President by
National Popular Vote - Repeal**

This bill withdraws Maryland from the “Agreement Among the States to Elect the President By National Popular Vote.”

The bill takes effect July 1, 2012.

Fiscal Summary

State Effect: The bill will not materially affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Chapters 43 and 44 of 2007 established Maryland as a member of the agreement, 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. Currently, Maryland’s presidential electors cast their votes for the presidential and vice presidential candidates who receive a plurality of the votes cast in the State.

Background: The effort to enact the agreement nationwide was begun in 2006, aimed at changing aspects of the current system of electing the president, including the

concentration of campaigning in a minority of closely divided states and the ability of a candidate to win the presidency without winning the national popular vote. 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 eight states (California, Hawaii, Illinois, Maryland, Massachusetts, New Jersey, Vermont, and Washington) and the District of Columbia and, short of enactment, has been approved by committees and legislative chambers in various other states. The eight states in which the agreement has been enacted and the District of Columbia possess 132 electoral votes, which is 49% of the 270 necessary to bring the agreement into effect.

Additional Information

Prior Introductions: HB 25 of 2011 received an unfavorable report from the House Ways and Means Committee. HB 1122 of 2010 received a hearing in the House Ways and Means Committee, but no further action was taken. HB 472 of 2009 received an unfavorable report from the House Ways and Means Committee.

Cross File: None.

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

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mlm/hlb

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