

# SENATE BILL 582

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By: **Senators Ferguson, Elfreth, Guzzone, and Young**

Introduced and read first time: February 4, 2019

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Presidential Elections – Voting by Electors**

3 FOR the purpose of repealing the requirement that presidential electors be elected at large  
4 by the voters of the entire State; requiring the Secretary of State to certify the  
5 election of each of the presidential electors of the political party of the candidates for  
6 President and Vice President of the United States who received a certain number of  
7 the votes cast in all of the United States; requiring presidential electors to cast their  
8 votes for the candidates for President and Vice President who received a certain  
9 number of the votes cast in all of the United States, rather than a plurality of the  
10 votes cast in the State; requiring the Secretary of State to adopt by regulation a  
11 certain method for ascertaining the candidates for President and Vice President who  
12 received a certain number of votes cast in all of the United States; requiring that the  
13 regulation be adopted before a certain date and allow for the ascertainment of a  
14 certain vote before a certain date; providing that the Agreement Among the States  
15 to Elect the President by National Popular Vote may not take effect if this Act is in  
16 effect; making this Act subject to a certain contingency; requiring the Secretary of  
17 State to notify the Department of Legislative Services if a certain contingency is  
18 satisfied; providing for the termination of this Act, subject to a certain contingency;  
19 and generally relating to the voting of presidential electors.

20 BY repealing and reenacting, with amendments,  
21 Article – Election Law  
22 Section 8–504 and 8–505(c)  
23 Annotated Code of Maryland  
24 (2017 Replacement Volume and 2018 Supplement)

25 BY adding to  
26 Article – Election Law  
27 Section 8–506  
28 Annotated Code of Maryland  
29 (2017 Replacement Volume and 2018 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Election Law**

4 8–504.

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

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

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

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

15 **(2) THE SECRETARY OF STATE SHALL CERTIFY THE ELECTION OF**  
16 **EACH OF THE PRESIDENTIAL ELECTORS OF THE POLITICAL PARTY OF THE**  
17 **CANDIDATES FOR PRESIDENT AND VICE PRESIDENT WHO RECEIVED THE HIGHEST**  
18 **AGGREGATE NUMBER OF VOTES CAST BY VOTERS IN ALL OF THE UNITED STATES,**  
19 **AS DETERMINED IN ACCORDANCE WITH § 8–506 OF THIS SUBTITLE.**

20 8–505.

21 (c) After taking the oath prescribed by Article I, § 9 of the Maryland Constitution  
22 before the Clerk of the Court of Appeals or, in the Clerk’s absence, before one of the Clerk’s  
23 deputies, the presidential electors shall cast their votes for the candidates for President  
24 and Vice President who received [a plurality of the votes cast in the State of Maryland]  
25 **THE HIGHEST AGGREGATE NUMBER OF VOTES CAST BY VOTERS IN ALL OF THE**  
26 **UNITED STATES, AS DETERMINED IN ACCORDANCE WITH § 8–506 OF THIS SUBTITLE.**

27 **8–506.**

28 **(A) THE SECRETARY OF STATE SHALL ADOPT BY REGULATION A**  
29 **REASONABLE METHOD FOR ASCERTAINING THE CANDIDATES FOR PRESIDENT AND**  
30 **VICE PRESIDENT WHO RECEIVED THE HIGHEST AGGREGATE NUMBER OF VOTES**  
31 **CAST BY VOTERS IN ALL OF THE UNITED STATES, INCLUDING THIS STATE AND THE**  
32 **DISTRICT OF COLUMBIA.**

1           **(B) THE REGULATION SHALL:**

2                   **(1) BE ADOPTED BEFORE THE DATE ESTABLISHED BY FEDERAL LAW**  
3 **FOR APPOINTING ELECTORS IN THE PRESIDENTIAL ELECTION TO BE HELD IN THE**  
4 **YEAR 2020; AND**

5                   **(2) ALLOW FOR THE ASCERTAINMENT OF THE HIGHEST AGGREGATE**  
6 **NUMBER OF VOTES CAST BEFORE THE LATEST DATE BY WHICH PRESIDENTIAL**  
7 **ELECTORS OF THIS STATE MAY CAST THEIR VOTES FOR PRESIDENT AND VICE**  
8 **PRESIDENT OF THE UNITED STATES.**

9           SECTION 2. AND BE IT FURTHER ENACTED, That:

10           (a) This Act shall take effect on the date on which one or more states of the United  
11 States, that are, in the aggregate, entitled to a number of electors for President and Vice  
12 President that is equal to or greater than the number of electors allotted to this State, and  
13 which in the most recent presidential election before the enactment of this Act allocated  
14 their electors to the candidates of a political party other than the party to which this State  
15 allocated its electors, enact laws allocating their own electors to the candidates for  
16 President and Vice President who receive the highest aggregate number of votes cast by  
17 voters in all of the United States. The Secretary of State shall notify the Department of  
18 Legislative Services within 5 days if the contingency in this section is satisfied.

19           (b) If, after this Act has taken effect, Section 1 of Chapter 43 and Section 1 of  
20 Chapter 44 of the Acts of the General Assembly of 2007 take effect, this Act, with no further  
21 action required by the General Assembly, shall be abrogated and of no further force and  
22 effect. If this Act has not taken effect when Section 1 of Chapter 43 and Section 1 of Chapter  
23 44 of the Acts of the General Assembly of 2007 take effect, with no further action by the  
24 General Assembly, this Act shall be null and void.