

HB0182/643021/1

BY: Government, Labor, and Elections Committee

AMENDMENTS TO HOUSE BILL 182
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “preside” insert “and serve as secretary”; after line 9, insert:

“BY repealing

Article - Election Law

Section 8-503 through 8-505

Annotated Code of Maryland

(2022 Replacement Volume and 2025 Supplement)”;

and in line 22, strike “and 8–503 through 8–505”.

On page 2, in line 1, strike “8–504 and” and substitute “8–503 through”; and after line 4, insert:

“BY repealing

Chapters 43 and 44 of the Acts of the General Assembly of 2007

Section 3

BY repealing and reenacting, with amendments,

Chapters 43 and 44 of the Acts of the General Assembly of 2007

Section 4”.

AMENDMENT NO. 2

On page 2, in line 6, after “That” insert “Section(s) 8–503 through 8–505 of Article – Election Law of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That”.

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On page 3, after line 11, insert:

“(d) (C) (1) THIS SUBSECTION APPLIES ONLY IF § 8-5A-01 OF THIS TITLE IS IN EFFECT.

(2) If the number of presidential electors nominated is less than or greater than the State’s number of electoral votes, presidential electors shall be nominated as provided for under Article III of § 8-5A-01 of this title.”;

and after line 34, insert:

“[8-504.] 8-505.

(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:

(I) IF § 8-5A-01 OF THIS TITLE IS NOT IN EFFECT, AT LARGE BY THE VOTERS OF THE ENTIRE STATE; OR

(II) IF § 8-5A-01 OF THIS TITLE IS IN EFFECT, under the procedure provided in § 8-5A-01 of this title.

(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 NOMINEES FOR presidential [electors] ELECTOR of the political party [nominated] SUBMITTED in accordance with § 8-503 of this subtitle.

(3) A VOTE FOR AN UNAFFILIATED CANDIDATE FOR PRESIDENT AND VICE PRESIDENT SHALL BE CONSIDERED TO BE AND COUNTED AS A VOTE

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FOR EACH OF THE NOMINEES FOR PRESIDENTIAL ELECTOR SUBMITTED BY THE UNAFFILIATED PRESIDENTIAL CANDIDATE TO THE STATE BOARD IN ACCORDANCE WITH § 8-503 OF THIS SUBTITLE.”.

On page 4, in line 2, strike “**3 U.S.C. § 6**” and substitute “**3 U.S.C. § 5**”; in line 14, after “**PRESIDE**” insert “**AND SERVE AS SECRETARY**”; and in line 18, strike “**STATE ADMINISTRATOR**” and substitute “**PRESIDENTIAL ELECTORS STILL SERVING**”.

On page 5, in line 20, strike “**3 U.S.C. § 6**” and substitute “**3 U.S.C. § 5**”; and after line 15, insert:

“**[8-505.] 8-508.**

(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 **PRESIDENTIAL** elector **IN ACCORDANCE WITH § 8-507 OF THIS SUBTITLE**, 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) (1) After taking the oath prescribed by Article I, § 9 of the Maryland Constitution before the Clerk of the Supreme Court of Maryland or, in the Clerk’s absence, before one of the Clerk’s deputies, the presidential electors shall cast their votes for:

(1) IF § 8-5A-01 OF THIS TITLE IS NOT IN EFFECT, THE CANDIDATES FOR PRESIDENT AND VICE PRESIDENT WHO RECEIVED A

(Over)

PLURALITY OF THE VOTES CAST IN THE STATE OF MARYLAND; OR

(II) IF § 8-5A-01 OF THIS TITLE IS IN EFFECT, the candidates for President and Vice President who received a plurality of the votes cast in the national popular vote total defined in § 8-5A-01 of this title.

(2) THE STATE ADMINISTRATOR SHALL PROVIDE EACH PRESIDENTIAL ELECTOR WITH A PRESIDENTIAL AND A VICE PRESIDENTIAL BALLOT.

(3) EACH PRESIDENTIAL ELECTOR SHALL MARK THE PRESIDENTIAL ELECTOR'S PRESIDENTIAL AND VICE PRESIDENTIAL BALLOTS WITH THE PRESIDENTIAL ELECTOR'S SIGNATURE AND THE PRESIDENTIAL ELECTOR'S LEGIBLY PRINTED NAME.

(D) (1) (I) THIS PARAGRAPH APPLIES ONLY IF § 8-5A-01 OF THIS TITLE IS NOT IN EFFECT.

(II) EACH PRESIDENTIAL ELECTOR SHALL PRESENT BOTH COMPLETED BALLOTS TO THE STATE ADMINISTRATOR.

(III) THE STATE ADMINISTRATOR SHALL EXAMINE THE BALLOTS PRESENTED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH AND ACCEPT AS CAST ALL BALLOTS OF PRESIDENTIAL ELECTORS WHOSE VOTES ARE CONSISTENT WITH THEIR PLEDGES EXECUTED UNDER § 8-504 OR § 8-507(D) OF THIS SUBTITLE.

(2) (I) THIS PARAGRAPH APPLIES ONLY IF § 8-5A-01 OF THIS TITLE IS IN EFFECT.

(II) EACH PRESIDENTIAL ELECTOR SHALL PRESENT BOTH COMPLETED BALLOTS TO THE STATE ADMINISTRATOR, WHO SHALL EXAMINE THE BALLOTS AND ACCEPT AS CAST ALL BALLOTS OF PRESIDENTIAL ELECTORS WHOSE VOTES ARE CONSISTENT WITH THEIR PLEDGES EXECUTED FOR THE CANDIDATES FOR PRESIDENT AND VICE PRESIDENT WHO ARE THE NATIONAL POPULAR VOTE WINNERS AS DEFINED IN § 8-5A-01 OF THIS TITLE.

(3) THE STATE ADMINISTRATOR MAY NOT ACCEPT EITHER A PRESIDENTIAL ELECTOR'S PRESIDENTIAL OR VICE PRESIDENTIAL BALLOT IF THE PRESIDENTIAL ELECTOR VOTED IN VIOLATION OF THE PRESIDENTIAL ELECTOR'S PLEDGE.

(E) A PRESIDENTIAL ELECTOR WHO REFUSES TO PRESENT A BALLOT, PRESENTS AN UNMARKED BALLOT AND REFUSES TO SIGN THE CERTIFICATE OF VOTE, OR PRESENTS A BALLOT MARKED IN VIOLATION OF THE PRESIDENTIAL ELECTOR'S PLEDGE EXECUTED UNDER § 8-504 OR § 8-507(D) OF THIS SUBTITLE VACATES THE OFFICE OF ELECTOR, CREATING A VACANT POSITION TO BE FILLED UNDER § 8-507 OF THIS SUBTITLE.

(F) THE STATE ADMINISTRATOR SHALL DISTRIBUTE BALLOTS AND COLLECT BALLOTS FROM A SUBSTITUTE PRESIDENTIAL ELECTOR AND REPEAT THE PROCESS UNDER THIS SECTION, DECLARING VACANT POSITIONS TO BE FILLED AS REQUIRED UNDER § 8-507(C) OF THIS SUBTITLE, AND RECORDING APPROPRIATELY COMPLETED BALLOTS FROM THE SUBSTITUTE PRESIDENTIAL ELECTORS, UNTIL ALL OF THE STATE'S ELECTORAL VOTES HAVE BEEN CAST AND RECORDED."

On page 6, after line 3, insert:

"Chapter 43 of the Acts of 2007

[SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act may not take effect until the interstate compact entitled "Agreement Among the States to Elect the President by National Popular Vote" is enacted in substantially the same form by states cumulatively possessing a majority of the electoral votes and the enactments of the compact have taken effect in each state; that Section 1 of this Act shall only govern the appointment of presidential electors in any year in which the Agreement Among the States to Elect the President by National Popular Vote is, on July 20, in effect in states cumulatively possessing a majority of the electoral votes; that all the states of the United States are requested to concur in this Act of the General Assembly of Maryland by the enactment of a similar Act; and that the Department of Legislative Services shall notify the appropriate officials of the combined states of the enactment of this Act.]

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SECTION 4. AND BE IT FURTHER ENACTED, That[, except as provided in Section 3 of this Act,] this Act shall take effect October 1, 2007.

Chapter 44 of the Acts of 2007

[SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act may not take effect until the interstate compact entitled “Agreement Among the States to Elect the President by National Popular Vote” is enacted in substantially the same form by states cumulatively possessing a majority of the electoral votes and the enactments of the compact have taken effect in each state; that Section 1 of this Act shall only govern the appointment of presidential electors in any year in which the Agreement Among the States to Elect the President by National Popular Vote is, on July 20, in effect in states cumulatively possessing a majority of the electoral votes; that all the states of the United States are requested to concur in this Act of the General Assembly of Maryland by the enactment of a similar Act; and that the Department of Legislative Services shall notify the appropriate officials of the combined states of the enactment of this Act.]

SECTION 4. AND BE IT FURTHER ENACTED, That[, except as provided in Section 3 of this Act,] this Act shall take effect October 1, 2007.”.

On pages 6 through 10, strike in their entirety the lines beginning with line 4 on page 6 through line 2 on page 10, inclusive.

On page 10, in line 3, strike “6.” and substitute “3.”; and strike beginning with “, subject” in line 3 down through “Act,” in line 4.