

SENATE BILL 237

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6lr0667
CF HB 182

By: **Senator Kagan**

Introduced and read first time: January 15, 2026

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Presidential Electors – Selection and Voting**

3 FOR the purpose of altering the procedures for the selection of presidential elector
4 nominees and alternate presidential elector nominees; requiring the State
5 Administrator of Elections to preside at a certain meeting of certain presidential
6 electors; altering the procedures for the meeting of presidential electors; establishing
7 procedures for the preparation, delivery, signing, and transmission of an amended
8 certificate of ascertainment after the vote of the State's presidential electors under
9 certain circumstances; and generally relating to presidential electors.

10 BY repealing and reenacting, without amendments,
11 Article – Election Law
12 Section 1–101(a)
13 Annotated Code of Maryland
14 (2022 Replacement Volume and 2025 Supplement)

15 BY adding to
16 Article – Election Law
17 Section 1–101(ii–2) and (tt–1), 8–504, 8–506, 8–507, and 8–509
18 Annotated Code of Maryland
19 (2022 Replacement Volume and 2025 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Election Law
22 Section 1–101(tt–1) and 8–503 through 8–505
23 Annotated Code of Maryland
24 (2022 Replacement Volume and 2025 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article – Election Law
27 Section 8–504 and 8–505

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Annotated Code of Maryland
(2022 Replacement Volume and 2025 Supplement)
(As enacted by Chapters 43 and 44 of the Acts of the General Assembly of 2007)

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

Article – Election Law

1–101.

(a) In this article the following words have the meanings indicated unless a different meaning is clearly intended from the context.

(II-2) “PRESIDENTIAL ELECTOR” MEANS AN ELECTOR FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES.

(TT-1) “UNAFFILIATED PRESIDENTIAL CANDIDATE” MEANS A CANDIDATE FOR PRESIDENT OF THE UNITED STATES WHO QUALIFIES FOR THE GENERAL ELECTION BALLOT BY MEANS OTHER THAN NOMINATION BY A POLITICAL PARTY.

[(tt-1)] (TT-2) “Uniformed services” has the meaning stated in § 9–901 of the State Government Article.

8–503.

[(a) Each political party shall nominate or provide for the nomination of candidates for presidential elector of the party in accordance with party rules.

(b) The number of candidates nominated by each political party shall be the number that this State is entitled to elect.]

(A) (1) FOR EACH PRESIDENTIAL ELECTOR, A POLITICAL PARTY CONTESTING THE POSITION, OR AN UNAFFILIATED PRESIDENTIAL CANDIDATE, SHALL SUBMIT TO THE STATE BOARD THE NAMES OF TWO QUALIFIED INDIVIDUALS.

(2) ONE OF THE INDIVIDUALS SHALL BE DESIGNATED “PRESIDENTIAL ELECTOR NOMINEE” AND THE OTHER “ALTERNATE PRESIDENTIAL ELECTOR NOMINEE”.

[(c)] (B) (1) The names and residential addresses of [individuals nominated as candidates for presidential elector] **THE PRESIDENTIAL ELECTOR NOMINEES AND ALTERNATE PRESIDENTIAL ELECTOR NOMINEES SUBMITTED TO THE STATE BOARD IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION** by a political party shall be

certified to the State Board by the presiding officers of the political party.

(2) The names and residential addresses of [individuals nominated as candidates for presidential elector] **THE PRESIDENTIAL ELECTOR NOMINEES AND ALTERNATE PRESIDENTIAL ELECTOR NOMINEES SUBMITTED TO THE STATE BOARD IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION** by a candidate for President of the United States who is nominated by petition shall be certified to the State Board by the candidate.

(3) The **NOMINEES FOR PRESIDENTIAL electors AND ALTERNATE PRESIDENTIAL ELECTORS** shall be certified to the State Board at least 30 days before the general election.

8-504.

(A) **EACH PRESIDENTIAL ELECTOR NOMINEE AND ALTERNATE PRESIDENTIAL ELECTOR NOMINEE OF A POLITICAL PARTY SHALL EXECUTE THE FOLLOWING PLEDGE: "IF SELECTED FOR THE POSITION OF PRESIDENTIAL ELECTOR, I AGREE TO SERVE AND TO MARK MY BALLOTS FOR PRESIDENT AND VICE PRESIDENT FOR THE NOMINEES FOR THOSE OFFICES OF THE PARTY THAT NOMINATED ME."**

(B) **EACH PRESIDENTIAL ELECTOR NOMINEE AND ALTERNATE PRESIDENTIAL ELECTOR NOMINEE OF AN UNAFFILIATED PRESIDENTIAL CANDIDATE SHALL EXECUTE THE FOLLOWING PLEDGE: "IF SELECTED FOR THE POSITION OF PRESIDENTIAL ELECTOR AS A NOMINEE OF AN UNAFFILIATED PRESIDENTIAL CANDIDATE, I AGREE TO SERVE AND TO MARK MY BALLOTS FOR THAT CANDIDATE AND FOR THAT CANDIDATE'S VICE PRESIDENTIAL RUNNING MATE."**

(C) **THE EXECUTED PLEDGES SHALL ACCOMPANY THE SUBMISSION OF THE CORRESPONDING PRESIDENTIAL ELECTOR NOMINEE NAMES TO THE STATE BOARD.**

(D) **IF, AFTER THE NOMINATION OF A CANDIDATE FOR PRESIDENT OR VICE PRESIDENT BY A POLITICAL PARTY AND BEFORE THE MEETING OF PRESIDENTIAL ELECTORS UNDER § 8-508 OF THIS SUBTITLE, THE CANDIDATE DIES OR WITHDRAWS AS A CANDIDATE FOR THAT OFFICE IN ACCORDANCE WITH THE RULES OF THE POLITICAL PARTY, THE PLEDGE EXECUTED UNDER SUBSECTION (A) OF THIS SECTION OR § 8-507(D) OF THIS SUBTITLE APPLIES TO THE SUCCESSOR CANDIDATE FOR THAT OFFICE NOMINATED BY THE POLITICAL PARTY IN ACCORDANCE WITH THE PARTY RULES.**

8-506.

IN SUBMITTING THIS STATE'S CERTIFICATE OF ASCERTAINMENT AS

1 REQUIRED BY 3 U.S.C. § 6, THE GOVERNOR SHALL CERTIFY THE STATE'S
2 PRESIDENTIAL ELECTORS AND STATE IN THE CERTIFICATE THAT:

3 (1) THE PRESIDENTIAL ELECTORS WILL SERVE AS PRESIDENTIAL
4 ELECTORS UNLESS A VACANCY OCCURS IN THE OFFICE OF PRESIDENTIAL ELECTOR
5 BEFORE THE END OF THE MEETING AT WHICH PRESIDENTIAL ELECTOR VOTES ARE
6 CAST, IN WHICH CASE A SUBSTITUTE PRESIDENTIAL ELECTOR WILL FILL THE
7 VACANCY; AND

8 (2) IF A SUBSTITUTE PRESIDENTIAL ELECTOR IS APPOINTED TO FILL
9 A VACANCY, THE GOVERNOR WILL SUBMIT AN AMENDED CERTIFICATE OF
10 ASCERTAINMENT STATING THE NAMES ON THE FINAL LIST OF THE PRESIDENTIAL
11 ELECTORS.

12 8-507.

13 (A) THE STATE ADMINISTRATOR SHALL PRESIDE AT THE MEETING OF
14 PRESIDENTIAL ELECTORS DESCRIBED IN § 8-508 OF THIS SUBTITLE.

15 (B) THE POSITION OF A PRESIDENTIAL ELECTOR NOT PRESENT TO VOTE IS
16 VACANT.

17 (C) THE STATE ADMINISTRATOR SHALL APPOINT AN INDIVIDUAL AS A
18 SUBSTITUTE PRESIDENTIAL ELECTOR TO FILL A VACANCY AS FOLLOWS:

19 (1) IF THE ALTERNATE PRESIDENTIAL ELECTOR IS PRESENT TO
20 VOTE, BY APPOINTING THE ALTERNATE PRESIDENTIAL ELECTOR FOR THE VACANT
21 POSITION;

22 (2) IF THE ALTERNATE PRESIDENTIAL ELECTOR FOR THE VACANT
23 POSITION IS NOT PRESENT TO VOTE, BY APPOINTING A PRESIDENTIAL ELECTOR
24 CHOSEN BY LOT FROM AMONG THE ALTERNATE PRESIDENTIAL ELECTORS PRESENT
25 TO VOTE WHO WERE NOMINATED BY THE SAME POLITICAL PARTY OR THE
26 UNAFFILIATED PRESIDENTIAL CANDIDATE;

27 (3) IF THE NUMBER OF ALTERNATE PRESIDENTIAL ELECTORS
28 PRESENT TO VOTE IS INSUFFICIENT TO FILL ANY VACANT POSITION IN ACCORDANCE
29 WITH ITEM (1) OR (2) OF THIS SUBSECTION, BY APPOINTING ANY IMMEDIATELY
30 AVAILABLE INDIVIDUAL WHO IS QUALIFIED TO SERVE AS A PRESIDENTIAL ELECTOR
31 AND CHOSEN THROUGH NOMINATION BY AND PLURALITY VOTE OF THE REMAINING
32 PRESIDENTIAL ELECTORS, INCLUDING NOMINATION AND VOTE BY A SINGLE
33 PRESIDENTIAL ELECTOR IF ONLY ONE REMAINS;

1 (4) IF THERE IS A TIE BETWEEN AT LEAST TWO NOMINEES FOR
2 SUBSTITUTE PRESIDENTIAL ELECTOR IN A VOTE CONDUCTED UNDER ITEM (3) OF
3 THIS SUBSECTION, BY APPOINTING A PRESIDENTIAL ELECTOR CHOSEN BY LOT
4 FROM AMONG THOSE NOMINEES; OR

5 (5) IF ALL PRESIDENTIAL ELECTOR POSITIONS ARE VACANT AND
6 CANNOT BE FILLED IN ACCORDANCE WITH ITEM (1), (2), (3), OR (4) OF THIS
7 SUBSECTION, BY APPOINTING A SINGLE PRESIDENTIAL ELECTOR, WITH REMAINING
8 VACANT POSITIONS TO BE FILLED IN ACCORDANCE WITH ITEM (3) OR (4) OF THIS
9 SUBSECTION.

10 (D) TO QUALIFY AS A SUBSTITUTE PRESIDENTIAL ELECTOR UNDER
11 SUBSECTION (C) OF THIS SECTION, AN INDIVIDUAL WHO HAS NOT EXECUTED THE
12 PLEDGE REQUIRED UNDER § 8-504 OF THIS SUBTITLE SHALL EXECUTE THE
13 FOLLOWING PLEDGE: "I AGREE TO SERVE AND TO MARK MY BALLOTS FOR
14 PRESIDENT AND VICE PRESIDENT CONSISTENT WITH THE PLEDGE OF THE
15 INDIVIDUAL TO WHOSE PRESIDENTIAL ELECTOR POSITION I HAVE SUCCEEDED."

16 8-509.

17 (A) AFTER THE VOTE OF THE STATE'S PRESIDENTIAL ELECTORS IS
18 COMPLETED, IF THE FINAL LIST OF PRESIDENTIAL ELECTORS DIFFERS FROM ANY
19 LIST THAT THE GOVERNOR PREVIOUSLY INCLUDED ON A CERTIFICATE OF
20 ASCERTAINMENT PREPARED AND TRANSMITTED UNDER 3 U.S.C. § 6, THE STATE
21 ADMINISTRATOR IMMEDIATELY SHALL PREPARE AN AMENDED CERTIFICATE OF
22 ASCERTAINMENT IN ACCORDANCE WITH 3 U.S.C. § 4 AND TRANSMIT IT TO THE
23 GOVERNOR FOR THE GOVERNOR'S SIGNATURE.

24 (B) THE GOVERNOR IMMEDIATELY SHALL DELIVER THE SIGNED AMENDED
25 CERTIFICATE OF ASCERTAINMENT TO THE STATE ADMINISTRATOR AND A SIGNED
26 DUPLICATE ORIGINAL OF THE AMENDED CERTIFICATE OF ASCERTAINMENT TO ALL
27 INDIVIDUALS ENTITLED TO RECEIVE THIS STATE'S CERTIFICATE OF
28 ASCERTAINMENT, INDICATING THAT THE AMENDED CERTIFICATE OF
29 ASCERTAINMENT IS TO BE SUBSTITUTED FOR THE CERTIFICATE OF
30 ASCERTAINMENT PREVIOUSLY SUBMITTED.

31 (C) (1) THE STATE ADMINISTRATOR SHALL PREPARE A CERTIFICATE OF
32 THE VOTE.

33 (2) THE PRESIDENTIAL ELECTORS ON THE FINAL LIST SHALL SIGN
34 THE CERTIFICATE.

35 (3) THE STATE ADMINISTRATOR SHALL PROCESS AND TRANSMIT THE

**SIGNED CERTIFICATE WITH THE AMENDED CERTIFICATE OF ASCERTAINMENT
UNDER 3 U.S.C. §§ 9 THROUGH 11.**

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
as follows:

Article – Election Law

[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 at large by the voters of the entire State.

(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 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.

[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

1 privileges of the duly elected electors.

2 (c) (1) After taking the oath prescribed by Article I, § 9 of the Maryland
3 Constitution before the Clerk of the Supreme Court of Maryland or, in the Clerk's absence,
4 before one of the Clerk's deputies, the presidential electors shall cast their votes for the
5 candidates for President and Vice President who received a plurality of the votes cast in
6 the State of Maryland.

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

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

13 (D) (1) EACH PRESIDENTIAL ELECTOR SHALL PRESENT BOTH
14 COMPLETED BALLOTS TO THE STATE ADMINISTRATOR.

15 (2) THE STATE ADMINISTRATOR SHALL EXAMINE THE BALLOTS
16 PRESENTED UNDER PARAGRAPH (1) OF THIS SUBSECTION AND ACCEPT AS CAST ALL
17 BALLOTS OF PRESIDENTIAL ELECTORS WHOSE VOTES ARE CONSISTENT WITH THEIR
18 PLEDGES EXECUTED UNDER § 8-504 OR § 8-507(D) OF THIS SUBTITLE.

19 (3) THE STATE ADMINISTRATOR MAY NOT COUNT EITHER A
20 PRESIDENTIAL ELECTOR'S PRESIDENTIAL OR VICE PRESIDENTIAL BALLOT IF THE
21 PRESIDENTIAL ELECTOR HAS NOT MARKED BOTH BALLOTS OR HAS MARKED A
22 BALLOT IN VIOLATION OF THE PRESIDENTIAL ELECTOR'S PLEDGE.

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

28 (F) THE STATE ADMINISTRATOR SHALL DISTRIBUTE BALLOTS AND
29 COLLECT BALLOTS FROM A SUBSTITUTE PRESIDENTIAL ELECTOR AND REPEAT THE
30 PROCESS UNDER THIS SECTION, DECLARING AND FILLING VACANT POSITIONS AS
31 REQUIRED, AND RECORDING APPROPRIATELY COMPLETED BALLOTS FROM THE
32 SUBSTITUTED PRESIDENTIAL ELECTORS, UNTIL ALL OF THE STATE'S ELECTORAL
33 VOTES HAVE BEEN CAST AND RECORDED.

34 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
35 as follows:

Article – Election Law**[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 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 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.

[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 the

1 candidates for President and Vice President who received a plurality of the votes cast in
2 the national popular vote total defined in § 8-5A-01 of this title.

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

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

9 **(D) (1) EACH PRESIDENTIAL ELECTOR SHALL PRESENT BOTH**
10 **COMPLETED BALLOTS TO THE STATE ADMINISTRATOR, WHO SHALL EXAMINE THE**
11 **BALLOTS AND ACCEPT AS CAST ALL BALLOTS OF PRESIDENTIAL ELECTORS WHOSE**
12 **VOTES ARE CONSISTENT WITH THEIR PLEDGES EXECUTED FOR THE CANDIDATES**
13 **FOR PRESIDENT AND VICE PRESIDENT WHO ARE THE NATIONAL POPULAR VOTE**
14 **WINNERS AS DEFINED IN § 8-5A-01 OF THIS TITLE.**

15 **(2) THE STATE ADMINISTRATOR MAY NOT COUNT EITHER A**
16 **PRESIDENTIAL ELECTOR'S PRESIDENTIAL OR VICE PRESIDENTIAL BALLOT IF THE**
17 **PRESIDENTIAL ELECTOR HAS NOT MARKED BOTH BALLOTS OR HAS MARKED A**
18 **BALLOT IN VIOLATION OF THE PRESIDENTIAL ELECTOR'S PLEDGE.**

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

24 **(F) THE STATE ADMINISTRATOR SHALL DISTRIBUTE BALLOTS AND**
25 **COLLECT BALLOTS FROM A SUBSTITUTE PRESIDENTIAL ELECTOR AND REPEAT THE**
26 **PROCESS UNDER THIS SECTION, DECLARING AND FILLING VACANT POSITIONS AS**
27 **REQUIRED, AND RECORDING APPROPRIATELY COMPLETED BALLOTS FROM THE**
28 **SUBSTITUTE PRESIDENTIAL ELECTORS, UNTIL ALL OF THIS STATE'S ELECTORAL**
29 **VOTES HAVE BEEN CAST AND RECORDED.**

30 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
31 effect October 1, 2026. It shall remain effective until the taking effect of Section 1 of
32 Chapters 43 and 44 of the Acts of the General Assembly of 2007. If the contingency stated
33 in Section 3 of Chapters 43 and 44 of the Acts of the General Assembly of 2007 takes effect,
34 Section 2 of this Act shall be abrogated and of no further force and effect.

35 SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take
36 effect on the taking effect of Section 1 of Chapters 43 and 44 of the Acts of the General

1 Assembly of 2007.

2 SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions of
3 Sections 4 and 5 of this Act, this Act shall take effect October 1, 2026.