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Testimony of Delegate Dana Stein in Support of House Bill 202

Election Law-Presidential Electors-Selection and Voting

Chair Kaiser and Members of the House Ways and Means Committee:

During the 2020 Presidential election, the question came up as to whether there'd be any "faithless Presidential electors" – that is, electors who didn't vote for the candidate who'd gotten the most votes in their state. In this election, there weren't any, though there have been faithless electors in previous elections.

Thirty-two states have laws that prohibit "faithless voting," and Maryland is one of them. (Electors are to vote for the "candidates for President and Vice President who received a plurality of the votes cast in the State of Maryland." Election Law Article 8-505(c).)

But unlike 15 other states, Maryland does not have a mechanism for ensuring that electors are not faithless electors. In Maryland, if a elector votes for a candidate who didn't win the vote, there is no consequence. This bill establishes that consequence and is modeled after the "Uniform Faithful Presidential Electors Act" recommended by the National Conference of Commissioners on Uniform State Laws.

HB 202 does several things. It establishes an alternate for each elector, and electors and alternates have to sign a pledge of faithfulness. If an elector doesn't vote for the presidential candidate whom they'd pledged to support, then the elector is deemed to have resigned, and their vote doesn't count. The alternate is then appointed elector and votes in their place.

In this way we can ensure that there are no "faithless electors" in Maryland in future presidential elections.