

TESTIMONY OF JAY RADOV IN SUPPORT OF SB 864 – FRIDAY FEB. 24, 2023

Good afternoon, Chair Feldman, Vice Chair Kagan, and Members of the Committee. My name is Jay Radov. I am a retired lawyer and insurance professional. I have testified before the Senate Finance Committee and the House Economic Matters Committee many times, but obviously this is my first time before this Committee. Today, I am testifying before you simply as a concerned citizen in support of the “faithless elector” provisions of SB 864.

Under Maryland’s current law, the consequences of one or more “faithless” electors in Maryland could be problematic. For example, suppose that after all 50 states and Washington, DC have certified their presidential election results, the number of electoral votes is 270 for Candidate A and 268 for Candidate B. Further assume that Maryland’s populace has made a decisive choice for Candidate A who has won states representing 270 electoral votes. Nevertheless, in that hypothetical case, even 1 “faithless” Candidate A Maryland elector would reduce the number of Candidate A’s electoral votes to 269, thus throwing the presidential election into the US House of Representatives.

And 2 “faithless” Candidate A Maryland electors who switched to Candidate B could change the result of the entire election from Candidate A to Candidate B. Should it be so easy for one or more “faithless” electors to potentially undo the will of approximately 75 million American voters?

You might say that such an outcome is highly unlikely. However, I would like to make 3 points:

First, in 2000, George W. Bush received 271 electoral votes. Thus, 2 “faithless” George W. Bush electors would have thrown the election into the House of Representatives.

Second, in 2016, there were 10 “faithless” electors. Only 3 of those 10 “faithless” votes were invalidated and replaced pursuant to the laws of the 14 states which have enacted legislation similar to that of SB 864.

Third, speaking as a retired insurance professional, think of it as insurance: you want to be protected just in case a highly unlikely or unthinkable event does actually occur.

For the above reasons, I urge a Favorable Report on SB 864.

Thank you!