

Committee: Education, Energy, and the Environment

**Testimony on: SB 237 General Assembly –
Election Law - Presidential Electors - Selection and Voting**

Position: FAVORABLE with Amendments

Hearing Date: February 11, 2026

Chair Feldman, Vice Chair Kagan, and distinguished Members of this Committee, thank you for the opportunity to testify before you today.

My name is Dr. David Weinberg, and I am testifying in my capacity as a Policy Strategist for Protect Democracy United, a cross-partisan 501(c)(4) that seeks to strengthen the representative institutions of our system of government. I am also a proud Maryland resident.

Protect Democracy United commends Senator Kagan for championing Senate Bill 237 and encourages you to issue a favorable report on it with the sponsor's amendment.

Our country's founders originally intended for presidential electors to serve as autonomous decision makers, but they quickly realized after just four presidential elections that this approach was untenable, so they revised that system with the 12th Amendment.¹ As the U.S. Supreme Court explained in a unanimous ruling several years ago, that amendment "both acknowledged and facilitated the Electoral College's emergence as a mechanism not for deliberation but for party-line voting" by each state's presidential electors.²

That set of rulings six years ago upheld the right of states to pass laws that can bind, replace, or even punish their presidential electors, so none of that state's electoral votes get wasted by faithless electors. The court's decision

¹ Robert M. Alexander, *Representation and the Electoral College* (Oxford, 2019), p. 33.

² *Chiafalo et al. v. Washington*, 140 S. Ct. 2316 (2020), p. 2, https://www.supremecourt.gov/opinions/19pdf/19-465_i425.pdf; See also *Colorado Department of State v. Baca et al.*, 140 S. Ct. 2316 (2020), https://www.supremecourt.gov/opinions/19pdf/19-518_6k47.pdf

had been encouraged in an amicus brief by 45 states, including Maryland.³

Since World War II, faithless electoral votes have been cast in half of all elections.⁴ However, the highest level occurred in 2016, with ten attempts.

That recent spike hints at a problem that is becoming potentially calamitous going into 2028. Indeed, contemporary presidential electors now receive “incessant letters, phone calls, e-mails, lawsuits, and death threats.”⁵

Legislators know all too well that politically motivated threats and acts of violence have dramatically increased in recent years.⁶ But just think for a moment how much worse those pressures might be against somebody who, for six weeks, has their name on a public list of people with the power to overturn the outcome after a presidential election.

Furthermore, over the past year we have seen the vast powers of the federal government being systematically abused to coerce law-abiding Americans all across the country. It would be recklessly naive to presume that such coercion won’t also be directed at our presidential electors the next time a disappointed presidential candidate refuses to concede defeat.

The answer is to pass legislation based on the Uniform Faithful Presidential Electors Act, ensuring that any effort to cast a faithless electoral vote would trigger that elector’s immediate replacement. Half of all jurisdictions which vote for president already have laws that provide this protection, including our neighbors Virginia, Delaware, and the District of Columbia.

A bill of this sort is like an insurance policy against the coercion of our electors. We make drivers buy insurance before they get behind the wheel.

³ *Chiafalo et al. v. Washington*. Brief amicus curiae of South Dakota and 44 states and the District of Columbia, 8 April 2020, https://www.supremecourt.gov/DocketPDF/19/19-465/141203/20200408161330330_Colorado%20Brief.pdf

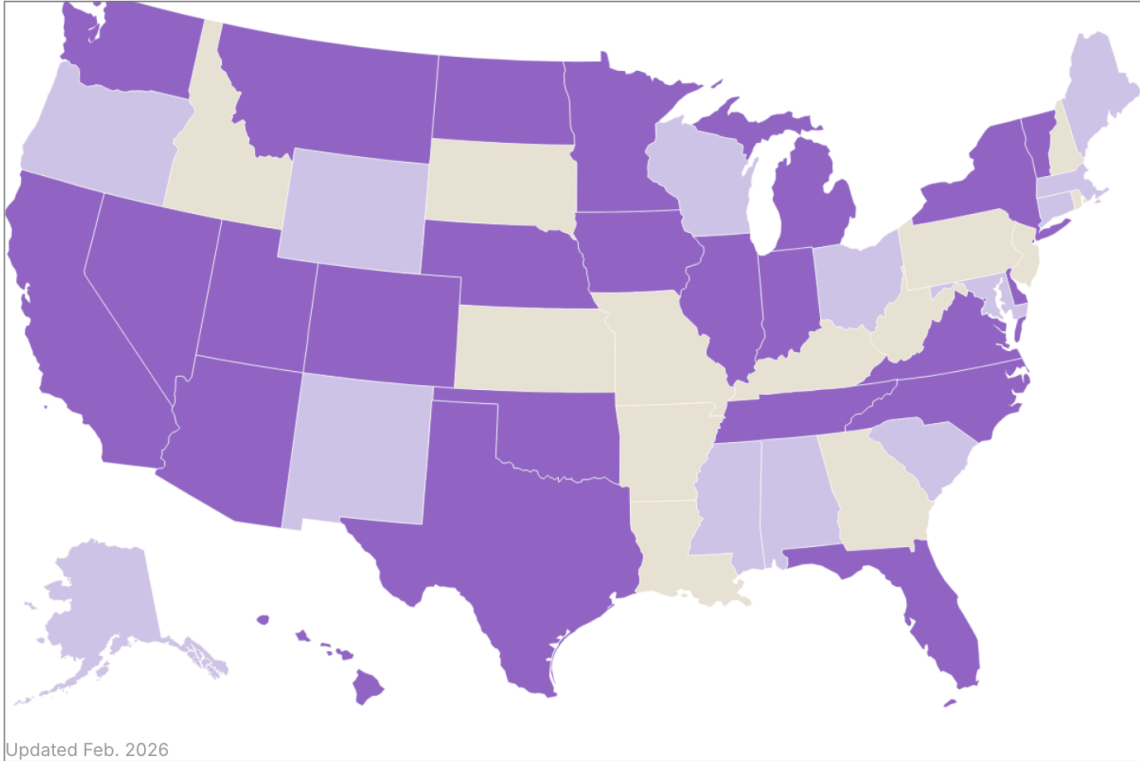
⁴ Deb Otis, “Do faithless electors change presidential election results?” FairVote website, 28 October 2024, <https://fairvote.org/do-faithless-electors-change-presidential-election-results/>

⁵ Robert M. Alexander, *Presidential Electors and the Electoral College: An Examination of Lobbying, Wavering Electors, and Campaigns for Faithless Votes* (Cambria, 2012), p. 176.

⁶ Princeton Bridging Divides Initiative, Threats and Harassment Dataset: November 2025 Update, 23 December 2025, <https://bridgingdivides.princeton.edu/updates/2025/threats-and-harassment-dataset-november-2025-update>

Shouldn't we apply the same level of caution to our state's electoral votes?

Thank you for your consideration of SB 237 with the sponsor's amendment. If you'd like me to walk you through that amendment or the bill itself section-by-section, I would be happy to do so during Q&A.



- **STRONG LAW AGAINST FAITHLESS ELECTORS** (includes the automatic replacement provision)
- **WEAK LAW AGAINST FAITHLESS ELECTORS** (lacks the automatic replacement provision)
- **NO LAW AT ALL AGAINST FAITHLESS ELECTORS**

For more information, contact:

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ABOUT US

Protect Democracy United is a nonpartisan, nonprofit group working to prevent American democracy from declining into a more authoritarian form of government.