

February 4, 2026

Testimony on HB 182
Election Law - Presidential Electors - Selection and Voting
Government, Labor, and Elections

Position: Favorable

Common Cause Maryland is in favor of HB 182, which would alter the procedure for the selection of Maryland's presidential electors and alternates. Currently, Faithless electors represent a probable, harmful, and potentially calamitous risk to a central institution of our democracy. As we approach another sure to be contentious presidential election year, states that fail to take action to guard against it could be ground zero in an election subversion threat that targets our democracy.

Even a single faithless presidential elector would represent the disenfranchisement of hundreds of thousands of Maryland voters who already cast their ballots for president. Faithless electors could alter the outcome of a presidential election, snatching victory away from the candidate chosen by Maryland voters.

In recent years, violence and threats of violence have increased considerably in our nation's politics, as have efforts by the federal government to coerce and shake down law-abiding Americans and American institutions across all sectors of our society. 2016 was the year in which our country witnessed the highest number of faithless electors in our history. Presidential electors across the country are increasingly being [subjected](#) to public pressure to cast a faithless vote, including even through threats and attempted coercion.

States have the authority to prevent schemes of this sort, and that right has been upheld by the U.S. Supreme Court in its unanimous 2020 rulings in [Chiafalo v. Washington](#) and in [Colorado Department of State v. Baca](#). Maryland law already includes a provision which [directs](#) its presidential electors to cast a faithful electoral vote for president and for vice president. What it lacks is any mechanism to ensure that this directive operates effectively, even in the face of severe coercion. HB 182 would provide that mechanism.

The District of Columbia and 24 other states [already have laws in place](#) today to guard against faithless electors by ensuring that any attempt to cast a faithless electoral vote results in the automatic removal of that individual from the post of presidential elector, to be replaced by someone else who will instead adhere to their obligations to cast a faithful electoral vote. Now is the time for Maryland to exercise this right.

HB 182 protects the voice of the people by keeping Maryland's electoral votes consistent with the certified outcome of our election totals. For these reasons, we request a favorable report on HB 182.