

Testimony of Delegate Dana Stein in Support of House Bill 182

Madam Chair, Mr. Vice Chair, and Members of the House Government, Labor, and Elections Committee:

The 2016 presidential election saw the largest number of faithless electors in modern history—electors who cast ballots for candidates who did not win their state’s popular vote. That election raised serious questions about whether similar faithlessness could occur in future presidential elections. While no faithless electors cast ballots in the 2024 presidential election, faithless electors have appeared in multiple prior elections.

Washington D.C. and twenty-four states have strong, enforceable laws preventing faithless electors. Thirteen states, including Maryland, have inadequate protections, and thirteen states have none. Under Maryland law, electors are directed 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). However, this requirement is not enforceable.

As a result, Maryland has **no** mechanism to prevent or remedy faithless electors. If a Maryland elector votes for a candidate who did not win the State’s popular vote, that vote is counted and the elector faces **no** consequence.

HB 182 addresses this gap. The bill is modeled on the Uniform Faithful Presidential Electors Act recommended by the National Conference of Commissioners on Uniform State Laws. It establishes alternate electors, requires electors and alternates to sign a pledge of faithfulness, and provides that an elector who fails to vote for the presidential or vice-presidential candidate of the party that nominated the elector is deemed to have vacated the office. The faithless vote is not counted, and the alternate elector is appointed to vote in that elector’s place.

This bill ensures that Maryland will not have faithless electors in future presidential elections. The bill is supported by the ACLU of Maryland, Black Girls Vote, the Brennan Center for Justice, the Campaign Legal Center, Common Cause Maryland, the Election Reformers Network, FairVote Action, the League of Women Voters of Maryland, National Popular Vote, and Protect Democracy.