



Testimony on Faithful Presidential Elector Bill (HB202)
by Saul Anuzis at the
Maryland House Ways and Means Committee
January 19, 2021

Thank you for the opportunity to testify today in favor of the Faithful Presidential Elector Bill (HB202) introduced by Delegate Dana Stein.

The President of the United States is elected by 538 presidential electors who meet in mid-December to choose the President.

Maryland has 10 electoral votes. Each political party in Maryland nominates 10 candidates for the position of presidential elector. The state's presidential electors are elected on Election Day in November (the Tuesday after the first Monday in November).

Existing Maryland law contains a statement saying presidential electors "shall cast their votes" for the candidates that his or her political party nominated for President and Vice President.

However, existing Maryland law does not contain any mechanism for ensuring that Maryland's presidential electors actually vote in the manner expected and specified by law. Moreover, existing Maryland law does not contain any penalty if a presidential elector votes for someone other than the presidential and vice-presidential nominees of their own political party.

In 2020, the U.S. Supreme Court unanimously ruled that states can adopt procedures to ensure that presidential electors actually vote in the manner expected and specified by the state's law.

HB202 contains all the essential features of the "Uniform Faithful Presidential Electors Act" recommended by the National Conference of Commissioners on Uniform State Laws.

The Uniform Faithful Presidential Electors Act provides mechanism for ensuring that Maryland's presidential electors actually vote in the manner expected and

specified by law.. The recommended Act has a pledge of faithfulness. The Act calls for the election of both electors and alternate electors. Any attempt by a presidential elector to submit a vote in violation of his or her pledge effectively constitutes resignation from the office of elector. The Act provides a mechanism for filling a vacancy created for that reason or any other.

In 2020, the Biden-Harris ticket won Maryland and Maryland's 10 presidential electors were the 10 people nominated by the Maryland Democratic Party, namely Gloria Lawlah, Kathleen Matthews, Corynne B. Courpas, Thelma T. Daley, Patrick J. Hunt, Peter E. Perini, Sr., Kent Roberson, Sheree Sample-Hughes, Catalina Rodriguez Lima, and Sachidanand Hebbar.

If the Trump-Pence ticket had won Maryland in November 2020, Maryland's 10 presidential electors would have been the 10 people nominated by the Maryland Republican Party, namely David Bossie, Ellen Sauerbrey, Nicole Beus Harris, Kathleen Smero, Shannon Wright, James Wass, James Crawford, Virginia Bigelow, Kimberly Klacik, and Ruth Melson.

Starting with the nation's first presidential election in 1789, voters voted for individual candidates for the position of presidential elector (in states where the state legislature allowed voters to vote at all in the presidential election). Candidates for presidential electors were generally well-known figures in their communities. They often ran ads saying how they intended to vote.

With the emergence of political parties in the nation's first contested presidential election in 1796, the political parties printed "tickets" stating which candidates for presidential elector supported the party's nominee for President and Vice President. Starting in 1796, virtually all presidential electors voted for their party's nominees. However, voters had to vote for each individual presidential elector.

During most of the 19th Century, presidential candidates themselves rarely campaigned publicly. In any cases, their party's presidential electors campaigned for them. For example, Abraham Lincoln was a Whig candidate for presidential elector in Illinois in the 1840 election, and campaigned throughout the state on behalf of his party's nominee.

In 1892, Massachusetts passed the nation's first law allowing voters to make a single mark that would serve as a vote for a given party's entire group of elector candidates.

In 1897, Kansas passed a law that placed the names of the party's presidential and vice-presidential nominees on paper ballots. This law acknowledged the political reality that voters were voting for a President and Vice President who would

serve four-year terms governing the country—not for presidential electors who would make a brief appearance in their state Capitol in mid-December to cast their votes in the Electoral College.

Today, every state, including Maryland, uses the “short presidential ballot” showing the names of the actual presidential and vice-presidential nominees of each party and enabling voters to make a single mark to vote for all of the presidential electors nominated in their states associated with their choice for President and Vice President.

In 1900, Iowa passed a law omitting the names of the individual elector candidates from the ballot. Today, Louisiana, Idaho, North Dakota, and South Dakota are among the few states that show the names of presidential electors on the ballot.

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