
OLR Bill Analysis

sSB 138

AN ACT CONCERNING PRESIDENTIAL ELECTORS.

SUMMARY

This bill establishes a procedure for nullifying the vote of, and removing and replacing, a presidential elector who does not vote as pledged (i.e., faithless elector). State law currently requires presidential electors to vote for the presidential and vice-presidential candidates under whose names they ran on the official ballot, but it does not impose consequences if they fail to do so.

In the case of a presidential elector who does not vote for the candidates under whose name he or she ran on the ballot, the bill does the following:

1. nullifies the vote;
2. requires the elector to forfeit his or her position as presidential elector, causing a vacancy;
3. requires the other electors present to elect by ballot an elector to fill the vacancy; and
4. requires the replacement to cast his or her ballot for the candidates to whom the elector he or she is replacing was pledged.

By law, presidential electors meet and vote at the secretary of the state's office on the first Monday after the second Wednesday in December following the presidential election.

EFFECTIVE DATE: October 1, 2021

BACKGROUND

Related Case

In 2020, the U.S. Supreme Court affirmed a Washington Supreme Court decision, holding that a state may constitutionally enforce a presidential elector’s pledge to support his or her party’s nominee – and the state voters’ choice – for president (*Chiafalo et al. v. Washington*, 140 S. Ct. 2316 (2020)).

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 17 Nay 1 (03/29/2021)