



# Senate

General Assembly

**File No. 440**

January Session, 2021

Substitute Senate Bill No. 138

*Senate, April 14, 2021*

The Committee on Government Administration and Elections reported through SEN. FLEXER of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## ***AN ACT CONCERNING PRESIDENTIAL ELECTORS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-176 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 The presidential electors shall meet at the office of the Secretary of the  
4 State at twelve o'clock, noon, on the first Monday after the second  
5 Wednesday of the December following their election and, as required  
6 by the Constitution and laws of the United States, shall cast their ballots  
7 for President and Vice President. Each such elector shall cast [his] such  
8 elector's ballots for the candidates under whose names [he] such elector  
9 ran on the official election ballot, as provided in section 9-175. If any  
10 such elector is absent or if there is a vacancy in the electoral college for  
11 any cause, the electors present shall, before voting for President and  
12 Vice President, elect by ballot an elector to fill such vacancy, and the  
13 person so chosen shall be a presidential elector, shall perform the duties  
14 of such office and shall cast his or her ballots for the candidates to whom

15 the elector he or she is replacing was pledged. In the case of any such  
 16 elector who fails to cast such elector's ballots for the candidates under  
 17 whose names such elector ran on the official election ballot, (1) the votes  
 18 of such elector shall be nullified, (2) such elector shall forfeit such  
 19 elector's position as presidential elector, causing a vacancy in the  
 20 electoral college, and (3) the other electors present shall elect by ballot  
 21 an elector to fill such vacancy, and the person so chosen shall be a  
 22 presidential elector, shall perform the duties of such office and shall cast  
 23 his or her ballots for the candidates to whom the elector he or she is  
 24 replacing was pledged.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	9-176

**Statement of Legislative Commissioners:**

References to "his" were changed to "such elector's" or "his or her" and to "he" were changed to "such elector" or "he or she" for consistency and in Subdiv. (1), "vote" was changed to "votes" for accuracy.

**GAE**      *Joint Favorable Subst. -LCO*

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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**OFA Fiscal Note****State Impact:** None**Municipal Impact:** None**Explanation**

This bill, which establishes a procedure for nullifying the vote of a presidential elector who does not vote as pledged, has no fiscal impact on the state or municipalities.

**The Out Years****State Impact:** None**Municipal Impact:** None

**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)