

SENATE BILL REPORT

SB 6191

As Reported by Senate Committee On:
State Government, Tribal Relations & Elections, January 19, 2018

Title: An act relating to requiring presidential electors to vote for party nominees.

Brief Description: Requiring presidential electors to vote for party nominees.

Sponsors: Senators Kuderer, Hunt, Conway, Liias, Sheldon, Darneille and Mullet.

Brief History:

Committee Activity: State Government, Tribal Relations & Elections: 1/17/18, 1/19/18 [DP, DNP].

Brief Summary of Bill

- Disqualifies presidential electors who do not vote for their party's presidential and vice-presidential nominees.
- Abolishes the \$1,000 fine for faithless electors.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Saldaña.

Minority Report: Do not pass.

Signed by Senators Miloscia, Ranking Member; Zeiger.

Staff: Samuel Brown (786-7470)

Background: Electoral College. Candidates for president and vice president of the United States are not elected by direct popular vote. The candidates are elected by the electoral college, whose delegates are chosen by the political parties in the states. Each state has the same number of presidential electors as it has United States Representatives and Senators combined.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

All 50 states and the District of Columbia select their presidential electors based on the state's popular vote. In Washington, along with 47 other states and the District of Columbia, whichever presidential and vice presidential candidates get the most votes statewide get all the electoral votes for the state. In two states, Maine and Nebraska, the overall state winner gets two electoral votes; the remaining electoral votes are selected based on the votes within the states' congressional districts.

Faithless Electors. Each presidential elector must sign a pledge that, as an elector, the elector will vote for the candidates nominated by that party. Electors who vote for other candidates are known as faithless electors, and subject to a \$1,000 fine. Washington had one faithless elector in 1976 and four in the 2016 election.

Expenses. Presidential electors are entitled to receive a subsistence allowance and travel expenses for each day's attendance at the electoral college meeting, at the same rates established by the Director of the Office of Financial Management for other state officials and employees.

Summary of Bill: Each presidential elector must vote for the persons for president and vice-president nominated by the elector's party. If an elector fails to do so, the elector is disqualified, and the remaining electors fill the vacancy by electing a replacement elector.

The fine of \$1,000 for faithless electors is abolished. Faithless electors may not collect a subsistence allowance and travel expenses.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The electoral college is an antiquated system; when the popular vote in the state is for a candidate, you expect that candidate to win. The fine is meaningless and should be done away with. This ensures that the voter's voice is heard at the presidential level. Presidential electors are the agents of the voters; we require an oath, and faithless electors break that oath. The legal process relating to faithless electors at the last election is ongoing and expected to continue for some time. Parties should also enact their own reforms internally, but this is also a needed reform.

Persons Testifying: PRO: Senator Patty Kuderer, Prime Sponsor; Ryan Ottele, citizen; Richard Van Wagenen, citizen; David Elliott, Office of the Secretary of State; Andrew Villeneuve, Northwest Progressive Institute.

Persons Signed In To Testify But Not Testifying: No one.