

SENATE BILL REPORT

SB 5074

As Passed Senate, February 26, 2019

Title: An act relating to enactment of the uniform faithful presidential electors act.

Brief Description: Enacting the uniform faithful presidential electors act.

Sponsors: Senators Kuderer, Pedersen, Hunt, Conway, Nguyen, Saldaña, Palumbo, Wellman and Darneille; by request of Uniform Law Commission.

Brief History:

Committee Activity: State Government, Tribal Relations & Elections: 2/01/19, 2/06/19
[DP, DNP, w/oRec].

Floor Activity:

Passed Senate: 2/26/19, 29-20.

Brief Summary of Bill

- Requires that parties and independent candidates nominate alternate presidential electors for each seat in the electoral college.
- Disqualifies presidential electors who do not vote for their party's presidential and vice-presidential nominees.
- Abolishes the \$1,000 fine for electors who do not vote for their party's presidential and vice-presidential nominees.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Takko.

Minority Report: Do not pass.

Signed by Senator Hawkins.

Minority Report: That it be referred without recommendation.

Signed by Senators Zeiger, Ranking Member; Bailey.

Staff: Samuel Brown (786-7470)

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.

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.

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.

Presidential Electors. Each party or independent candidate convention nominating presidential and vice-presidential candidates files with the Secretary of State a list of the presidential electors the party chooses at its nominating convention. 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 persons are subject to a \$1,000 fine. Washington had one elector in 1976 and four in the 2016 election who voted for persons other than the candidates nominated by their party.

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: Presidential Electors. Each party or independent candidate contesting the presidency must submit a list of elector nominees and alternate elector nominees to the Secretary of State. 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's position is considered vacant, and the alternate elector is appointed to fill that elector position. If the alternate elector is not present, an alternate elector is chosen from the remaining alternate electors by lot.

Expenses. The \$1,000 fine for electors who do not vote for the persons for president and vice-president nominated by the elector's party is abolished. Such electors may not collect a subsistence allowance and travel expenses for attendance at the electoral college meeting.

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: In 2016, a third of our electoral college votes went to candidates who were not even on the ballot. The role of the elector is a ministerial

task. This legislation says if you do not live up to your word, we will replace you with someone who will. Washington should ensure that in the future, the electors vote for the candidate who the people voted for. This in a better form than previous legislation.

Persons Testifying: PRO: Senator Patty Kuderer, Prime Sponsor; Andrew Villeneuve, Northwest Progressive Institute; Ryan Ottele, citizen.

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