

HOUSE RESEARCH

Bill Summary

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Overview

This bill adopts the Uniform Faithful Presidential Electors Act.

In addition to establishing certain procedural requirements, the uniform act requires that a presidential elector vote for the candidates for president and vice-president to whom the elector is pledged.

Minnesota law already contains a requirement that electors vote for the candidates for president and vice-president to whom they are pledged, so the substantive effect of this bill is to conform technical aspects of administering the electoral college to the terms of the uniform law.

To date, the Uniform Faithful Presidential Electors Act has been adopted in three states: Montana, Nebraska, and Nevada.

Section

- 1** **Petitions for presidential electors and alternates.** Adds conforming references to alternate presidential electors in a section related to presidential electors for candidates who are not nominated by a major political party. New procedures for alternate presidential electors are established later in the bill.
- 2** **Election of presidential electors and alternates.** Adds a conforming reference to the election of alternate presidential electors in the section specifying the date of the election.

Section

- 3** **Nomination of presidential electors and alternates.** Adds a conforming reference to the nomination of alternate presidential electors by a major political party in the section of statute establishing the procedure for these nominations.
- 4** **Electors and alternates to meet at state capitol.** Strikes current provisions in statute related to filling vacancies in the office of presidential elector, and adds a cross-reference to the new procedures and duties of electors established later in the bill.
- This section also specifies the meeting time for electors, which is moved from another section of statute that is repealed later in the bill.
- 5** **Short title.** Specifies the title for this act: the “Uniform Faithful Presidential Electors Act.”
- 6** **Definitions.** Establishes definitions for terms used in later sections of the bill, including “cast,” “elector,” “President,” “Unaffiliated presidential candidate,” and “Vice President.”
- 7** **Designation of state’s electors.** Requires submission of the names of elector nominees and alternate elector nominees for each elector position to the secretary of state. In the case of a presidential candidate representing a political party, the nominees must be submitted by the party. In the case of an unaffiliated presidential candidate, the nominees must be submitted by the candidate.
- The individuals chosen as electors are determined based on the results of the general election, as provided in current law.
- 8** **Pledge.** Requires elector nominees and alternate elector nominees to execute a pledge to support the candidate of the party, or the unaffiliated candidate, that made the nomination. The pledge must be submitted, with the corresponding names, to the secretary of state.
- 9** **Certification of electors.** Requires the governor to include certain content in the certificate of ascertainment, required by federal law as part of the electoral college voting process.
- The certificate of ascertainment is a document listing the electors, and substitute electors, nominated to the electoral college, and the vote totals received by each at the general election. This document is prepared before the electors actually meet to vote for president and vice-president.
- 10** **Presiding officer; elector vacancy.** Provides that the secretary of state presides at the meeting of the state’s electors held to cast ballots for president and vice-president, and establishes standards for filling vacancies in the event an elector is not present at the meeting.
- 11** **Electoral voting.** Establishes standards and the procedure for electors to mark ballots for president and vice-president.
- The elector must cast a vote for president and vice-president, and sign the elector’s name on the ballots. The secretary of state must verify that each elector marked the ballot for the candidate to whom the elector is pledged. If an elector casts a ballot for a different candidate, the ballot must not be accepted and the elector position must be declared vacant. The vacant position must be filled according to the standards established earlier in the bill, and the new elector must cast ballots according to this section.

Section

- 12** **Elector replacement; associated certificates.** Requires the secretary of state to prepare an amended certificate of ascertainment, if the final list of electors differs from that originally prepared by the governor, and forward the amended certificate to the governor for transmittal to the appropriate recipients.
- This section also requires the secretary of state to prepare a certificate of vote, signed by each of the electors who cast valid ballots.
- 13** **Uniformity of application and construction.** Requires consideration be given to uniformity of interpretation when applying these statutes, relative to the application and interpretation of the statutes in other states that have adopted this uniform law.
- 14** **Statewide office.** Adds a conforming reference to alternate presidential electors, in the chapter of law governing election contests.
- 15** **Repealer.** Repeals two sections of statute that would become redundant or are superseded by the new provisions enacted in this bill, related to the preparation of a certificate of electors, and the meeting of the electors at the State Capitol.