

VALERIE J. LONGHURST
Majority Leader
STATE REPRESENTATIVE
15th District



HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901

COMMITTEES
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Ethics, Chair
House Rules, Chair
Gaming and Pari-Mutuels
Legislative Council
Manufactured Housing

House Administration Committee Meeting Minutes

5.17.23

This committee meeting has been recorded and may be accessed via legis.delaware.gov

Chair Longhurst called the meeting to order at 12:01 p.m.

Members present included Chair Longhurst, Speaker Schwartzkopf, and Reps. Ramone, and Yearick. Reps. Baumbach, Moore, and Morrison were also present. For a list of guests present please see the attendance list below.

Chair Longhurst stated that she would be offering the bills heard in this committee for signatures after the meeting for members not present.

Chair Longhurst introduced **SB 57 AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO PRESIDENTIAL ELECTORS.**

Chair Longhurst recognized Rep. Baumbach, the House sponsor of the bill, to present the legislation.

Rep. Baumbach explained that this legislation would require Presidential Electors casting votes in the Electoral College on behalf of the State of Delaware to vote in accordance with the results of the Statewide popular vote in a Presidential Election.

Speaker Schwartzkopf asked Rep. Baumbach to clarify the requirements for the Electors.

Rep. Baumbach clarified that the Electors must cast their vote for the candidate that received the most votes in the State. He also noted that the Electors would be required to cast their votes in accordance with the National popular vote bill that was previously passed by the General Assembly.

Rep. Ramone asked whether Electors have the ability to reject the popular vote of the State.

Rep. Baumbach noted that most people were unaware of this until the legal challenges following the 2020 Presidential Election. He also stated that this bill would prevent the need to file court challenges as a result of unfaithful Electors.

Rep. Yearick asked if there have been any previous instances of unfaithful Electors in the State

of Delaware. He also asked if there have been any instances in other states.

Rep. Baumbach clarified that this has not taken place in Delaware, but there were five states that attempted to submit alternate slates of Electors to overturn the results of their respective statewide popular votes during the 2020 Presidential Election.

A motion was made by Speaker Schwartzkopf and seconded by Rep. Ramone to release the bill from committee, motion carried. Yes=4 (Chair Longhurst, Speaker Schwartzkopf, and Reps. Ramone and Yearick); No=0; Absent=1 (Vice Chair Minor-Brown). The bill was released from committee with a F=0 M=4 U=0 vote.

Chair Longhurst introduced **HB 148 AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS.**

Chair Longhurst recognized Rep. Baumbach, the prime sponsor of the bill, to present the legislation.

Rep. Baumbach stated that this bill clarifies the procedure for processing, counting, and validating absentee ballots in Delaware. The bill would also remove language requiring that the teams of election judges are comprised of half Democrats and half Republicans and replace it with language stating that no more than half of the team can be affiliated with the same political party.

Rep. Yearick asked Anthony Albence, the State Election Commissioner, to explain how this bill would change the current procedures for processing absentee ballots in the State.

Mr. Albence stated that the bill is primarily intended to clean up the language in the Delaware Code, such as the use of the terms “election clerks” and “election judges” to refer to the same role. He also stated that the bill would allow third-party and unaffiliated individuals, who are excluded under the current language of the Delaware Code, to participate in the ballot counting process. Mr. Albence stated that increasing the time that the absentee ballots can be unsealed and processed from 5 days to 30 days before Election Day would increase transparency in the ballot counting process and ensure that all absentee ballots are processed correctly.

Rep. Yearick asked if the election judges would meet every day for the 30 days leading up to Election Day to process the ballots.

Mr. Albence clarified that the election judges would only meet as needed to process the ballots that have been received during the 30 day period before Election Day.

Rep. Yearick asked if the election judges are paid to process the ballots.

Mr. Albence clarified that the election judges are paid for their work and he also noted that many

of them are temporary employees hired by the Department of Elections or in some cases they are Department of Elections staff that are temporarily re-assigned to aid in the ballot counting process.

Rep. Yearick asked whether the teams of election judges are comprised of an odd or even number of judges and how disagreements over a ballot is settled.

Mr. Albence stated that the teams are comprised of an even number of judges and that any split decisions are settled by the County Director and Deputy County Director.

Rep. Yearick asked if these meetings are open to the public to view the process.

Mr. Albence stated that all ballot counting meetings are open to the public and posted to the public notice calendar.

Rep. Ramone asked if this process for counting absentee ballots is similar to the process for a recount.

Mr. Albence clarified that in the case of a recount the Superior Court in the county where the election is taking place acts as the Board of Canvas to certify the recount.

Rep. Ramone noted that in the 2022 General Election he and his opponent each lost one absentee vote during the recount process. He also asked if this legislation would prevent this error from taking place in future elections.

Mr. Albence stated that he believes extending the period from 5 days to 30 days before Election Day would give the election judges enough time to do a thorough review of the absentee ballots and settle any disputes in a timely manner which would reduce the likelihood of errors in the process of counting absentee ballots.

Rep. Ramone asked how soon the Department of Elections is able to report results from the counting of absentee and early voting ballots.

Mr. Albence clarified that the Department is able to input the data into their system during the early voting period and the 5 day period prior to Election Day for absentee ballots, however the Department is not able to view or report the results of these ballots until the polls have closed on Election Day.

Rep. Ramone asked for clarification on the impact of this legislation on the recount process.

Mr. Albence clarified that this bill relates specifically to the process for counting absentee ballots and does not affect any part of the Code relating to the recount process or the Board of Canvas.

Rep. Ramone raised concerns that under this legislation a prospective election judge could

support a particular political party while claiming to be unaffiliated in order to create an unfair advantage for a given political party.

Mr. Albence clarified that the Department of Elections verifies the voter registration records of each of the election judges during the hiring process.

Chair Longhurst asked if the Department of Elections requested this legislation.

Mr. Albence stated that the Department requested this bill because the current political affiliation language in the code restricts the eligibility of candidates applying to serve as election judges, reducing the number of election judge teams that the Department can hire which slows down the counting process.

Rep. Yearick asked if this bill includes early voting ballots.

Mr. Albence clarified that this bill relates only to processing of absentee ballots, not early voting or Election Day ballots. He also noted that absentee ballots are stored separately from early voting and Election Day ballots and each type of ballot has designated equipment for scanning and counting the ballot.

Chair Longhurst opened the floor for public comment.

Ron Smith, attorney for the House Minority Caucus, asked how this bill would affect the process for settling ballot disputes among the election judges. He also asked if the County Director and Deputy County Director would have the ability to override the decision of the election judges.

Mr. Albence clarified that the County Director and Deputy County Director are required each required to be affiliated with either the Democratic or Republican Party to ensure bipartisan balance when reviewing the decisions of the election judge teams.

Mr. Smith asked how many teams of election judges are hired by the Department of Elections for each election.

Mr. Albence stated that the number of teams that are hired is determined by the quantity of absentee ballots received in each county. He stated that in 2022 the Department hired 10 teams in New Castle County, 5 in Kent County, and 7 in Sussex County.

Mr. Smith asked if this bill would also address the supply of ballots and other voting materials at polling places. He also asked how this would be implemented to prevent shortages of ballots at polling places on Election Day.

Mr. Albence clarified that after the shortage of ballots in New Castle County during the 2022 election, he issued a directive to all county election offices to provide each polling place with

ballots equal to the total number of registered voters in each precinct plus an additional 10 percent. He also noted that this bill would codify that directive to prevent future ballot shortages.

A motion was made by Speaker Schwartzkopf and seconded by Rep. Ramone to release the bill from committee, motion carried. Yes=4 (Chair Longhurst, Speaker Schwartzkopf, and Reps. Ramone and Yearick); No=0; Absent=1 (Vice Chair Minor-Brown). The bill was released from committee with a F=0 M=5 U=0 vote.

Chair Longhurst expressed her appreciation for the work of Mr. Albence and the Department of Elections to conduct fair and transparent elections in the State of Delaware.

Chair Longhurst introduced **HB 141 AN ACT TO AMEND TITLES 11 AND 15 OF THE DELAWARE CODE RELATING TO CRIMINAL HISTORY BACKGROUND CHECKS FOR CANDIDATES FOR STATE AND COUNTY PUBLIC OFFICES.**

Chair Longhurst recognized Rep. Morrison, the prime sponsor of the bill, to present the legislation.

Rep. Morrison stated that this legislation would require all candidates for elected positions, including the General Assembly, Statewide offices, and County offices, to undergo a criminal background check to confirm that they have not been convicted of or plead guilty to any crime that would disqualify the candidate from holding public office according to the State Constitution. He noted that this bill does not amend the list of applicable crimes outlined in the State Constitution. Rep. Morrison stated that this bill is modeled after similar legislation previously passed by the General Assembly requiring candidates for school board elections to undergo a criminal background check.

Chair Longhurst asked if candidates seeking re-election would have to complete a criminal background check each time they run for re-election.

Rep. Morrison clarified that all candidates would have to undergo the background check process when filing for candidacy in any State or County election regardless of whether they currently hold an office or have previously completed a background check in a past election.

Rep. Ramone thanked Rep. Morrison for his work on this legislation.

Rep. Yearick asked whether a candidate that been convicted of or plead guilty to a crime but has since had their record expunged would still be eligible to run for office.

Rep. Morrison and Mary Sherlock, attorney for the House Majority Caucus, clarified that a candidate who had been convicted of or plead guilty to a disqualifying crime according to the State Constitution and had their record expunged would still be disqualified to run for office. Rep. Morrison also noted that this statute already exists in the Delaware Code and this bill would

not affect that section of the code.

Speaker Schwartzkopf stated that during his career with the Delaware State Police, when they received a notice of expungement all physical records of the crime would be destroyed and replaced by a record of expungement which did not include any information regarding the crimes that had been expunged.

Karen Lantz, attorney for the House Majority Caucus, clarified that the Department of Justice and the courts retain all records, and the Pardon Board is also granted access to these records. She noted that the Department of Elections would not have access to the records following an expungement under the current language in the Code.

Chair Longhurst opened the floor for public comment.

Ron Smith asked who would be responsible for any fees to conduct the background check.

Mr. Albence clarified that the candidate would be required to pay the fee for their background check.

Mr. Smith asked if there would be a fund to assist indigent candidates with paying for their background check. Mr. Smith also noted that denying assistance to indigent candidates could act a form of a poll tax in order to bar them from running for office.

Rep. Morrison stated that this bill would not establish an assistance fund for indigent candidates and he also noted that the background check fee would only be about \$35 in addition to the filing fees that all candidates are already required to pay.

Mr. Smith asked why the language of the bill states that the results of the background check will remain confidential.

Rep. Morrison clarified that a prospective candidate who has previously convicted of a misdemeanor could be discouraged from running for office if they know that their record will be released to the public and potentially harm their campaign.

Rep. Ramone asked how this confidentiality would apply to a candidate is determined to be disqualified as a result of the background check.

Rep. Morrison clarified that the Department of Elections would have to state that the candidate is ineligible but they would not be able to discuss the convictions that made the candidate ineligible to hold an elected office.

Mr. Smith asked if there would be an appeals process for a prospective candidate who is determined to be disqualified as a result of the background check.

Mr. Albence clarified that prospective candidates would have the ability to consult the Department of Justice if they believe the results of their background check was inaccurate. He also noted that under the background check process that the Department of Elections currently conducts for school board candidates, the Department will confer with the Department of Justice or the Deputy Attorney General if the results of the background check are unclear.

Mr. Smith asked if the prospective candidate would have the ability to publicly release the results of their background check.

Speaker Schwartzkopf clarified that any individual can choose publicly release their personal records at any time.

Mr. Smith asked if the October 1st deadline for each election outlined in the bill be altered for candidates running in a primary election taking place before the October 1st deadline.

Mr. Albence clarified that this deadline refers to candidates who are nominated after the primary election to fill a vacant candidacy for the general election.

Mr. Smith asked when the deadline would be to complete a background check for candidates running in a primary election.

Rep. Morrison and Mr. Albence clarified that the deadline is 10 days before the date of the primary election.

Speaker Schwartzkopf asked whether the public or the press would be alerted that a candidate has been determined to be disqualified.

Mr. Albence clarified that the Department of Elections would only notify the candidate of their ineligibility.

Speaker Schwartzkopf and Chair Longhurst asked Rep. Morrison if he would be willing to add an amendment that would issue an identification number to the candidates that could be used to conduct the background check each time they file for candidacy rather than starting the background check process from the beginning for each election.

Rep. Morrison stated that he would look into this and would be willing to include this amendment.

Rep. Ramone noted that this would streamline the background check process for both incumbents seeking re-election and candidates who have filed to run in multiple elections in the past but did not win.

A motion was made by Rep. Ramone and seconded by Speaker Schwartzkopf to release the bill

from committee, motion carried. Yes=4 (Chair Longhurst, Speaker Schwartzkopf, and Reps. Ramone and Yearick); No=0; Absent=1 (Vice Chair Minor-Brown). The bill was released from committee with a F=0 M=5 U=0 vote.

Chair Longhurst introduced **SB 3 AN ACT PROPOSING AN AMENDMENT TO ARTICLE V OF THE DELAWARE CONSTITUTION RELATING TO VOTING.**

Chair Longhurst recognized Rep. Moore, the House sponsor of the bill, to present the legislation.

Rep. Moore stated that this bill is the first leg of a constitutional amendment to eliminate the limitations on when an individual may vote absentee and to authorize the General Assembly to enact general laws providing the circumstances, rules, and procedures for absentee voting in the State of Delaware. She stated that this bill would allow any eligible voter in Delaware to vote by a no-excuse absentee ballot. Rep. Moore also noted that no-excuse absentee voting is permitted in 25 other states and the District of Columbia.

Rep. Ramone asked for clarification on the language regarding the General Assembly's authority to enact general laws providing the circumstances, rules, and procedures for absentee voting.

Mr. Albence clarified that the State Constitution outlines the permitted excuses for voting by absentee ballot, therefore the language was included to allow the General Assembly to pass legislation to amend the list of permitted excuses.

Rep. Yearick asked for clarification on the changes that this legislation would make to the list of permitted excuses for voting by absentee ballot.

Mark Cutrona, Director of the Division of Research, clarified that this legislation would strike the current language from the Constitution regarding the excuses to vote by absentee ballot and allow the General Assembly to pass legislation establishing any new limitations on absentee voting.

Rep. Ramone asked why the legislation changes the language from "The General Assembly shall enact general laws..." to "The General Assembly may enact general laws..."

Mr. Cutrona clarified that "shall" means that the General Assembly has a duty to implement limitations on absentee voting, whereas "may" means that the General Assembly has the authority to implant these limitations if they choose to do so.

Chair Longhurst opened the floor for public comment.

Ron Smith noted that this legislation amends Article V §4A of the State Constitution but does not amend §4B. He asked if amending the language of one section without amending the other would cause any conflict given that they both relate to absentee voting.

Mr. Albence and Mr. Cutrona stated that they are not aware of any conflicts with other sections of the Constitution that would be caused as a result of this legislation.

A motion was made by Speaker Schwartzkopf and seconded by Chair Longhurst to release the bill from committee, motion carried. Yes=2 (Chair Longhurst and Speaker Schwartzkopf); No=2 (Reps. Ramone and Yearick); Absent=1 (Vice Chair Minor-Brown). The bill was released from committee with a F=0 M=4 U=0 vote.

Chair Longhurst stated that she would be offering the bill for signature to the committee member not present.

Chair Longhurst introduced **HB 153 AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENDITURES.**

Chair Longhurst recognized Speaker Schwartzkopf, the prime sponsor of the bill, to present the legislation.

Speaker Schwartzkopf stated that this legislation would not change the authorized expenditures that can be made by a political committee, it only changes how these expenditures are recorded.

Rep. Ramone asked if this bill would also apply to personal bank accounts.

Speaker Schwartzkopf clarified that the bill only applies to political committees.

A motion was made by Rep. Yearick and seconded by Rep. Ramone to release the bill from committee, motion carried. Yes=4 (Chair Longhurst, Speaker Schwartzkopf, and Reps. Ramone and Yearick); No=0; Absent=1 (Vice Chair Minor-Brown). The bill was released from committee with a F=0 M=5 U=0 vote.

Chair Longhurst adjourned the meeting at 12:52 p.m.

Respectfully submitted by:

Justin Dougherty

List of attendees:

- Anthony Albence, Delaware State Election Commissioner
- Ron Smith, attorney for the House Minority Caucus
- Mary Sherlock, attorney for the House Majority Caucus
- Karen Lantz, attorney for the House Majority Caucus
- Mark Cutrona, Director of the Division of Research



**Statement of Lindsay Beaver, Legislative Counsel, Uniform Law Commission
House Administration Committee
In SUPPORT of SB 57 (Senator Gay and Representative Baumbach)**

The Supreme Court recently made clear that states have the authority to bind their electors to the candidates they have pledged to support¹. Such legislation assures the voters of the state that their votes will not be overridden by a single elector and protects the country from the chaos that would ensue if a handful of electors could negate the will of the voters. Delaware does have a statute that requires electors to vote for the candidate of the political party that nominated the elector². However, like most states that have such a statute, Delaware does not provide for any penalty or any mechanism to prevent the deviant vote from counting as cast. Senate Bill 57, which would enact the Uniform Faithful Presidential Electors Act (UFPEA), provides a statutory remedy in the event one of the state's presidential electors attempts to vote other than in accordance with the voters of this state.

The UFPEA was drafted by the Uniform Law Commission (ULC) in 2010. The ULC, one of the oldest state organizations designed to encourage interstate cooperation, was chartered in 1892 to promote uniformity in law through voluntary action of each state government. Since its inception, the ULC has drafted more than 300 uniform laws on numerous subjects and in various fields of law, which have been enacted over 6,000 times by state legislatures. Each promulgated act, including the UFPEA, undergoes a multiyear drafting process involving a number of stakeholders.

The UFPEA has been adopted by eight states and is currently under consideration in four states. It requires that electors take a state-administered pledge of faithfulness. In the event an elector attempts to vote in violation of that pledge, the elector is deemed by the terms of the statute to have resigned from the office of elector. The UFPEA provides a mechanism to then fill the vacancy created with a faithful elector, thereby assuring the elector's vote conforms to the will of the voters. This approach was used rather than a mere fine because a fine was not viewed as sufficient to prevent an elector wishing or lobbied to go rogue from doing so.

Additionally, SB 57 provides other safeguards to protect against potential harm from faithless elector voting. Such as:

- SB 57 proposes that every elector execute an explicit pledge. This has the effect of putting the elector on notice that they must vote faithfully.
- SB 57 provides a process for selecting substitute electors if the number of alternate electors present to vote is insufficient to fill any vacant position.
- SB 57 provides a procedure to amend the certificate of ascertainment for transmittal by the governor, when necessary. There have been situations where the certificate of ascertainment named the eventually faithless electors as those of the state, and the provision in SB 57 should assure that the votes that are counted are only those of the electors on the amended list, all of whom would have cast faithful votes.

Thank you for allowing me to testify in support of SB 57. I am happy to address questions or provide additional information.

¹ The opinion in *Chiafalo v. Washington*, 140 S.Ct. 2316 (July 6, 2020), is emphatic that under the Constitution "States have broad power over electors." *Id.* at 2328. In adopting a statute to limit elector discretion, "the State instructs its electors that they have no ground for reversing the vote of millions of its citizens. That direction accords with the Constitution -- as well as with the trust of a Nation that here, We the People rule." *Id.* In *Colorado Dept. of State v. Baca*, 207 L. Ed. 2d 818 (July 6, 2020), decided the same day, the Court reversed a Tenth Circuit opinion that had declared Colorado's adoption of a statute materially similar to UFPEA to be an unconstitutional limit on elector discretion.

² See Del. Code Ann. tit. 15, § 4303.

The ULC is a nonprofit formed in 1892 to create nonpartisan state legislation. Over 350 volunteer commissioners—lawyers, judges, law professors, legislative staff, and others—work together to draft laws ranging from the Uniform Commercial Code to acts on property, trusts and estates, family law, criminal law and other areas where uniformity of state law is desirable.



LEAGUE OF WOMEN VOTERS OF DELAWARE
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**LWVDE Supports SB 57 Which Would Add the Uniform Faithful
Presidential Electors Act to the Delaware Code.**

Senate Bill No. 57 (introduced March 1, 2023) would incorporate the Uniform Faithful Presidential Electors Act¹ by amending chapter 43 of title 15 of the Delaware Code. 15 Del Code §§ 4301-4329. The League of Women Voters urges passage of SB 57. While the League favors the abolition of the Electoral College and supports the direct-popular-vote method of electing the president and vice president, it also “believes there should be uniformity across the nation in the systems used to elect the president.”²

The Faithless Elector.

Article II, section 1, clause two of the U.S Constitution, provides that the president and vice-president are to be chosen by electors in “Each State... in such Manner as the Legislature thereof may direct ... equal to the number of U.S. senators and representatives.” This means that the president and vice president are selected by a statewide winner-take-all vote, except in Maine and Nebraska, which allocate electors by the winner in each congressional district. Electors are selected by the political parties or the presidential campaigns and are committed to vote for their nominee. In presidential general elections, voters are officially voting for the political party’s slate of electors, not the actual presidential and vice-presidential candidates.

¹ The uniform act, which SB 57 follows, was drafted by the Uniform Law Commission, which was created in 1892 to study and propose nonpartisan legislation. The Commission includes commissioners from Delaware.

² The Electoral College is the method for electing the president and vice-president. This process focuses on the selection of “electors” in each of the individual states.

It also means, as occurred in 1876 and 1888, and recently in 2000 and 2016, that the president and vice-president can be elected without winning the national popular vote. For example, in 2000, Al Gore received approximately 500,000 more votes than George Bush, but lost the Electoral College, after a recount in Florida resulted in Florida's 29 electors going for Bush. In 2016, Hillary Clinton won the national popular vote by more than 3 million votes, but lost the Electoral College to Donald Trump. In a close election, such as in 2000, when the candidates were close in electoral votes before the Florida recount, a small change in the electors could change the election outcome.³

The problem of the faithless elector arises because there's no expressed provision of the Constitution or federal statute binding an elector's vote to a specific candidate.⁴ Most state legislation provides that electors should vote for the popular winner in casting a vote in the Electoral College. Thirty-two states and the District of Columbia mandate that electors vote for the candidate to whom they are pledged. Most states, however, do not enforce this pledge.

Following the 2016 election, faithless electors in Washington state and Colorado voted for candidates other than those for whom they were committed. Washington fined the faithless electors. Colorado voided the faithless voter's ballot. The cases ended up in the U.S. Supreme Court. On July 6, 2020, in a unanimous decision, the Court in *Chiafalo v. Washington and Colorado Department of State v. Baca* held that the states may enforce laws to punish faithless electors.⁵

³ Before counting Florida, Gore had 266 electoral votes and Bush had 267. A change of four votes would have put Gore over the requisite 270.

⁴ In the history of presidential elections, 179 electors have chosen not to vote for the candidate to whom they were pledged: 106 because of a personal preference, 71 because the candidate died before the election, and 2 because of abstention. Among the faithless electors in 2016 were four in Washington State who cast three votes for Colin Powell and one for Faith Spotted Eagle, a Native American politician.

⁵ 591 U.S.____ (2020). In *Chiafalo*, the Supreme Court upheld Washington's right to punish faithless electors. In *Baca*, the Supreme Court reversed the Court of Appeals for the Tenth Circuit by upholding the constitutionality of requiring a pledge under a statute very similar to the UFPEA. The Supreme Court had earlier in *Ray v. Blair*, 343 U.S. 214 (1952) (dissent by Douglas, J. and Jackson J., arguing that electors are free agents), held that in primaries the state could require an

The Uniform Faithful Presidential Electors Act.

The Uniform Faithful Presidential Electors Act (UFPEA), which is the basis for SB 57, attempts to correct the faithless elector problem by requiring pledges of faithfulness of all electors. This is heart of the UFPEA and SB 57's addition of § 4324 to the Delaware Code . Under the UFPEA, and proposed §4327(c), any attempt to violate an elector's pledge results in automatic resignation and replacement by an alternate elector. ⁶ Finally, SB 70 requires, in proposed §4329, that: "In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it."

The benefits of the state's adoption of the uniform act are that it:

- Provides voters confidence and certainty that votes they have cast will be voted as they intended in the Electoral College.
- Enacts a clear process for removing an elector who is not faithful to the popular will.
- Prevents the solicitation of faithless electors by entities who wish to change the results of an election.
- Follows a nationally uniform approach to faithful elector voting.

For these reasons, the League of Women Voters of Delaware supports the enactment of SB 57.

elector's pledge to support party candidates. The *Chiafalo* and *Baca* decisions rejected the elector's free agent theory.

⁶ Section 4327(c) provides that : "An elector who refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of the elector's pledge... vacates the office of elector, creating a vacant position to be filled under [the act]." To ensure compliance in cases of an elector's resignation, the act requires that the Secretary of State provide the Governor an amended certificate as the official count. See proposed §4328.