WHY STATES SHOULD ADOPT THE
UNIFORM FAITHFUL PRESIDENTIAL ELECTORS ACT

In 2010, the Uniform Law Commission (ULC) approved the Uniform Faithful Presidential Electors Act (UFPEA), to address the rare but historically persistent problem of presidential electors who do not adhere to their obligation to vote faithfully for their parties’ candidates. As technology improves, the sophistication of campaigns increase, and voters make continuously more informed choices, the potential for closer Electoral College counts grows with every presidential election cycle. Many states have enacted provisions to deal with “faithless” electors or to ensure that those selected discharge their duty faithfully – however, the solutions vary, and conflicting results or discounted votes could cause confusion or an indecisive outcome in the Electoral College. The UFPEA will harmonize these conflicting approaches and provide an effective remedy to prevent the potential harm from faithless elector voting.

Key highlights of the UFPEA include:

- Each political party contesting the presidential election, as well as those backing unaffiliated presidential and vice-presidential candidates, to submit the names of a primary and alternate elector for each elector position to the state’s election authority. Each person selected must execute a pledge to mark their ballot for their party’s candidates, and the pledge must be submitted along with their names. When submitting the state’s certificate of ascertainment, the Governor shall certify that the electors will serve unless a vacancy occurs, in which case a substitute will be appointed and an amended certificate of ascertainment will be submitted.
- The Secretary of State, or other statutorily designated official, presides over the meeting of electors, and the act provides detailed provisions on how any elector vacancies are filled by alternate and substitute electors. Those serving as alternate or substitute electors must execute a pledge to serve and mark their ballot in accord with the obligation of the elector they are replacing.
- Each elector submits a presidential and vice-presidential ballot, and each ballot submitted that is consistent with the elector’s pledge is counted. If an elector submits a blank ballot or one marked inconsistent with their pledge, or refuses to submit a ballot, they are immediately considered to have vacated their position of elector, and replacement proceedings take place according to the procedure outlined in the Act.
- Upon completion of the state electors’ vote, the Secretary of State or other statutorily designated official shall prepare and amended certificate of ascertainment if necessary, for approval by the Governor, along with the final certificate of vote signed by the final electors, to be submitted according to federal law.

In addition, the UFPEA provides the voters of the state with the confidence that the votes they have cast will be honored when the Electoral College meets to decide the outcome of presidential elections. It prevents parties and candidates from engaging in nefarious behavior and the courtship of faithless electors in close or particularly charged election in order to sway the outcome in favor of one candidate.

The UFPEA creates a relatively simple process by which electors commit to vote as the popular will and the parties they represent intend, and to prevent the potentially damaging consequences of rogue elector voting. Its provisions will ensure the orderly operation of states’ Electoral College voting, and protect the will of the people as expressed by the underlying election.