



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. 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.

Moreover, the United States Supreme Court unanimously upheld in *Chiafalo v. Washington*, 591 U.S. ____ (2020), state laws that remove or punish rogue presidential electors who refuse to cast their votes for the presidential candidate they pledged to support. In *Colorado Department of State v. Baca*, 591 U.S. ____ (2020), decided the same day as *Chiafalo*, the U.S. Supreme 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.

In other words, the Supreme Court has made clear that states have the authority to bind their electors to the candidates they have pledged to support. By enacting legislation like UFPEA, states assure citizens 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.

The UFPEA provides an effective remedy to prevent the potential harm from faithless elector voting. Some important reasons why your state should adopt the UFPEA include:

- **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.
- **UFPEA prevents parties and candidates from engaging in nefarious behavior** such as the courtship of faithless electors in close or particularly charged election in order to sway the outcome in favor of one candidate.
- **UFPEA creates a relatively simple process** by which electors commit to vote as the popular will and the parties they represent intend.
- **UFPEA prevents the potentially damaging consequences of rogue elector voting.**
- **UFPEA ensures the orderly operation of states' Electoral College voting** and protecting the will of the people as expressed by the underlying election.

For further information about UFPEA please contact Lindsay Beaver, Legislative Counsel at lbeaver@uniformlaws.org, or Katie Robinson, Legislative Program Director & Communications Officer at krobinson@uniformlaws.org.