

# Uniform Faithful Presidential Electors Act

The purpose of the Act is to provide an effective remedy in the event a state presidential elector fails to vote in accordance with the voters of his or her state.

Submitted as:

Montana

[SB 194](#)

Status: Became law in April 2011.

1           Section 1. [*Short title.*] This Act may be cited as the “Uniform Faithful Presidential Electors  
2 Act.”

3  
4           Section 2. [*Definitions.*]

5           As used in this Act the following definitions apply:

6           (1) "Cast" means accepted by the secretary of state in accordance with [*Insert citation.*]

7           (2) "Elector" means an individual selected as presidential elector under this part.

8           (3) "President" means the president of the United States.

9           (4) "Unaffiliated presidential candidate" means a candidate for president of the United States  
10 who qualifies for the general election ballot in this state under [*Insert citation.*]

11           (5) "Vice president" means vice president of the United States.

12  
13           Section 3. [*Designation of electors.*]

14           Pursuant to [*Insert citation*], each political party qualified under [*Insert citation*] or  
15 unaffiliated presidential candidate shall submit to the secretary of state the names of two qualified  
16 individuals for each elector position in this state. One of the individuals must be designated as the  
17 elector nominee and the other must be designated as the alternate elector nominee. Unless otherwise  
18 provided by [sections 5 through 8], Montana's electors are the winning electors under the laws of this  
19 state.

20  
21           Section 4. [*Pledge.*]

22           Each elector nominated by a political party under [*Insert citation*] or by an unaffiliated  
23 presidential candidate shall execute the following pledge: "If selected for the position of elector, I  
24 agree to serve and to mark my ballots for president and vice president for the nominees of the  
25 political party that nominated me." The executed pledges must accompany the submission of the  
26 corresponding names to the secretary of state under [*Insert citation.*]

27  
28           Section 5. [*Certification of electors.*]

29           When submitting the certificate of ascertainment as required by 3 U.S.C. 6, the governor  
30 shall certify the state's electors to the archivist of the United States. The certificate must state that:

31           (1) the electors will serve as electors unless a vacancy occurs in the office of elector before  
32 the end of the meeting required under [section 7(1)], in which case a substitute elector will fill the  
33 vacancy as provided for in [section 6]; and

34           (2) if a substitute elector is appointed to fill a vacancy, the governor will submit an amended  
35 certificate of ascertainment stating the names on the final list of the state's electors.

36  
37           Section 6. [*Presiding officer -- elector vacancy.*]

1 (1) The secretary of state shall preside at the meeting of the electors described in [section  
2 7(1)].

3 (2) The position of an elector not present to vote is considered vacant, and the secretary of  
4 state shall appoint an individual as a substitute elector as follows:

5 (a) if the alternate elector is present to vote, by appointing the alternate elector for the  
6 vacant position;

7 (b) if the alternate elector is not present to vote, by appointing an elector chosen by  
8 lot from among the alternate electors present to vote who are nominated by the same political party  
9 or unaffiliated presidential candidate;

10 (c) if the number of alternate electors present to vote is insufficient to fill a vacant  
11 position pursuant to subsection (2)(a) or (2)(b), by appointing any immediately available individual  
12 who is qualified to serve as an elector and chosen through nomination by and plurality vote of the  
13 remaining electors, including nomination and vote by a single elector if only one remains;

14 (d) if there is a tie between two nominees for substitute elector in a vote conducted  
15 under subsection (2)(c), by appointing an elector chosen by lot from among those nominees; or

16 (e) if all elector positions are vacant and cannot be filled pursuant to subsections  
17 (2)(a) through (2)(d), by appointing a single presidential elector, with remaining vacant positions to  
18 be filled pursuant to subsection (2)(c) and, if necessary, subsection (2)(d).

19 (3) To qualify as a substitute elector under subsection (2), an individual who has not executed  
20 the pledge required by [section 4] shall execute the following pledge: "I agree to serve and to mark  
21 my ballots for president and vice president consistent with the pledge of the individual to whose  
22 elector position I have succeeded."  
23

#### 24 Section 7. [*Elector voting.*]

25 (1) The electors shall meet in [*Insert location*] at 2 p.m. on the first Monday after the second  
26 Wednesday in December following their election.

27 (2) After all vacant positions have been filled pursuant to [section 6], the secretary of state  
28 shall provide each elector with a presidential and a vice presidential ballot. The elector shall mark  
29 the elector's presidential and vice presidential ballots with the elector's vote for the office of  
30 president and vice president, respectively, along with the elector's signature and the elector's legibly  
31 printed name.

32 (3) Unless otherwise provided by law, each elector shall present both completed ballots to the  
33 secretary of state, who shall examine the ballots and accept as cast all ballots of electors whose votes  
34 are consistent with their pledges executed under [section 4 or 6(3)]. Except as otherwise provided by  
35 law, the secretary of state may not accept and may not count either an elector's presidential or vice  
36 presidential ballot if the elector has not marked both ballots or has marked a ballot in violation of the  
37 elector's pledge.

38 (4) An elector who refuses to present a ballot, presents an unmarked ballot, or presents a  
39 ballot in violation of the elector's pledge executed under [section 4 or 6(3)] vacates the office of  
40 elector, creating a vacant position to be filled under [section 6].

41 (5) The secretary of state shall distribute ballots to and collect ballots from a substitute  
42 elector and repeat the process specified in this section until all of the electoral votes have been cast  
43 and recorded.  
44

#### 45 Section 8. [*Amended certificate of ascertainment -- certificate of final vote.*]

46 (1) After the vote of the electors is completed, if the final list of electors differs from the list  
47 the governor previously included on a certificate of ascertainment prepared and transmitted pursuant  
48 to [section 5], the secretary of state shall immediately prepare an amended certificate of  
49 ascertainment and transmit it to the governor for the governor's signature.

1           (2) The governor shall immediately sign and transmit to the secretary of state the signed  
2 amended certificate of ascertainment and a signed duplicate original of the amended certificate of  
3 ascertainment that indicates that the amended certificate of ascertainment must be substituted for the  
4 certificate of ascertainment previously submitted.

5           (3) The secretary of state shall prepare a certificate of vote. The electors on the final list shall  
6 sign the certificate. The secretary of state shall process and transmit the signed certificate with the  
7 amended certificate of ascertainment as provided under 3 U.S.C. 9 through 11.

8  
9 Section 9. [*Uniformity of application and construction.*]

10           In applying and construing [sections 1 through 9], consideration must be given to the need to  
11 promote uniformity of the law with respect to its subject matter among the states that enact it.

12  
13 Section 10. [*Repealer.*] Insert repealer clause.

14  
15 Section 11. [*Codification instruction.*] Insert codification clause.