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## **OLR Bill Analysis**

### **sHB 5531**

#### ***AN ACT CONCERNING FAITHFUL PRESIDENTIAL ELECTORS.***

By law, when a voter casts a ballot for a presidential candidate, the ballot is cast for a slate of presidential electors who have pledged to vote for that candidate when all state electors convene to choose the president and vice president of the United States (CGS § 9-175).

This bill requires candidates for presidential elector and individuals who fill a vacancy for these offices to execute a pledge that they will vote for the candidate they are pledged to vote for. It specifies that any person who fails to vote for their pledged candidate is permanently ineligible to serve as a presidential elector in the future. Additionally, the bill establishes procedures for rejecting an elector's ballot if cast for anyone other than the pledged candidate.

State law currently requires presidential electors to vote for the presidential and vice-presidential candidates under whose names they ran on the official ballot, but it does not nullify their vote if they fail to do so.

The bill also makes technical and conforming changes, including specifying how electors must be chosen if the National Popular Vote Interstate Compact (NPVIC) is activated, which Connecticut has joined (see BACKGROUND).

EFFECTIVE DATE: October 1, 2026

#### **PRESIDENTIAL ELECTOR PLEDGES**

Under the bill, each (1) presidential elector candidate nominated by a political party or (2) person who files a candidacy for the office with a political party designation, must execute the following pledge:

*"If chosen for the office of presidential elector, I agree to serve and to mark*

*my electoral college ballots for the nominees for President and Vice President of the political party by which I was nominated."*

The bill specifies that when a political party's nominee for President or Vice President dies or withdraws before the meeting of electors, the presidential elector's pledge above must apply to the successor nominee.

Similarly, a person who files a candidacy without a political party designation or who registers a candidacy for a write-in candidate must execute the following pledge:

*"If chosen for the office of presidential elector, I agree to serve and to mark my electoral college ballots for the candidate for President listed on this filing and for such candidate's running mate as Vice President."*

In either case, a copy of the executed pledge must be included in the filed certificate of endorsement, candidacy for nomination, or registration, as applicable.

Relatedly, to be chosen to fill a vacancy for these offices, a person must execute the following pledge:

*"I agree to serve and to mark my electoral college ballots consistent with the pledge of the presidential elector who I am replacing."*

## **VOTING OF PRESIDENTIAL ELECTORS**

By law, all the state's presidential electors must meet at the secretary of the state's (SOTS) office at noon on the first Tuesday after the second Wednesday of the December following their election. Current law specifies that each elector must cast their vote for his or her pledged candidate. Instead, the bill eliminates this requirement and creates procedures for nullifying these ballots.

Under the bill, SOTS must give presidential electors their ballots and then preside over the voting process. Presidential electors must mark their ballots, sign them, and legibly print their names. After completing their ballots, electors must present them to SOTS, who may accept them only if marked for the candidate the electors are pledged for.

If a ballot is marked for another candidate or an elector refuses to vote for the pledged candidate or comply with the bill's procedures, the elector forfeits the office, creating a vacancy. As under existing law, the remaining presidential electors choose a new elector by ballot.

The bill specifies that each time a vacancy is filled, the procedures above must be repeated until all ballots are accepted.

## **POST-VOTING REQUIREMENTS**

### ***Certificate of Votes***

Federal law establishes procedures states must follow when transmitting the results of the meeting of presidential electors. First, presidential electors must make and sign six certificates of their votes, seal them with their appointment certificates, and then transmit them to certain people required by federal law (3 U.S.C. §§ 9-11). The bill requires SOTS to provide these certificates and assist in this process.

Under the bill, if an elector refuses to sign the certificates of votes, they forfeit the office of presidential elector, and a vacancy is created. The vacancy must be filled as described above and the procedures above repeated until all ballots have been accepted and the certificates of votes are signed.

### ***Certificate of Ascertainment of Appointment***

By law, SOTS must issue a certificate of ascertainment of appointment for presidential electors once the winners have been declared and transmit it to the U.S. Archivist. Generally, this certificate is the official list of people declared to be the state's presidential electors (3 U.S.C. § 5).

If the list of presidential electors has changed since SOTS issued the certificate (for example, filling a vacancy), the bill requires the secretary to amend the certificate, issue it, and transmit it to the U.S. Archivist by the most expeditious available method, as required under federal law for the original list.

Relatedly, the bill generally requires SOTS to note these procedures in the original certificate filed with the U.S. Archivist.

## **BACKGROUND**

### ***Related Case***

In 2020, the U.S. Supreme Court affirmed a Washington Supreme Court decision, holding that a state may constitutionally enforce a presidential elector's pledge to support his or her party's nominee – and the state voters' choice – for president (*Chaitali et al. v. Washington*, 140 S. Ct. 2316 (2020)).

### ***National Popular Vote Interstate Compact***

The NPVIC is an interstate agreement that any state party to the agreement will commit its presidential electors to the national popular vote winner if enough jurisdictions have done so to cumulatively possess a majority of the Electoral College votes (currently 270 of 538 votes). To date, 17 other states (California, Colorado, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, and Washington) and Washington, D.C. have adopted the compact. Together with Connecticut, they currently hold 209 electoral votes. (These electoral votes are based on population and the U.S. Census; thus, they are current until at least the next decennial census in 2030.)

## **COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 15    Nay 4    (03/20/2026)