

HB 4019 STAFF MEASURE SUMMARY

Carrier: Rep. Fahey

House Committee On Rules

Action Date: 02/13/24

Action: Do Pass.

Vote: 7-0-0-0

Yeas: 7 - Fahey, Helfrich, Kropf, Nosse, Scharf, Valderrama, Wallan

Fiscal: No fiscal impact

Revenue: No revenue impact

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Meeting Dates: 2/8, 2/13

WHAT THE MEASURE DOES:

The measure updates Oregon law to align with federal requirements for the appointment and convening of electors for President and Vice President of the United States.

Detailed Summary

Sets the convening date and time of electors of the President and Vice President of the United States. Establishes an oath of office for electors. Requires the Secretary of State to preside over the convening of electors and to act on behalf of the electors for any duties placed on the electors under federal or state law. Requires the Governor and the Secretary of State to issue a certificate of ascertainment of appointment of electors in accordance with federal law and with the required security feature. Clarifies the processes and requirements for filling any elector vacancies and issuing an amended certificate of ascertainment. Takes effect on the 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Previous informational hearing on measure
- Information provided by Secretary of State on changes and other state measures

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

For a general election when a President and Vice President of the United States are to be elected, the voters elect as many electors of President and Vice President as Oregon has United States Senators and Representatives in Congress. While the names of the electors are not printed on the ballot, a vote for the candidates for President and Vice President is a vote for the electors supporting those candidates.

Current Oregon law requires electors to convene at the State Capitol on the Monday after the second Wednesday in December following the general election. Vacancies in the office of elector are filled by a voice vote of the other electors. Oregon statute does not prescribe a role for the Secretary of State or require electors to take an oath of office.

The Electoral Count Reform and Presidential Transition Improvement Act of 2022 (ECRA) revised both the process of casting and counting electoral votes for presidential elections and provisions related to the presidential transition process. ECRA specifies that the choice of electors must occur in accordance with state law enacted prior to election day and that the Governor, unless otherwise provided in state law, is responsible for submitting a certificate of ascertainment identifying the state's electors. ECRA also requires electors to meet the first Tuesday after the second Wednesday in December.