

LC 104  
2026 Regular Session  
1/7/26 (WJC/ps)

# D R A F T

## SUMMARY

Digest: The Act allows for the switch of electors of President and Vice President if they do not vote like they pledged. (Flesch Readability Score: 72.7).

Establishes the qualifications of an elector of President and Vice President of the United States. Provides the contents of a certificate of ascertainment of electors. Provides that an elector who does not vote in accordance with the signed pledge of electors vacates the office of elector. Provides for the filling of the vacancy. Provides for mileage expenses to be given to electors who attend the meeting of electors and whose ballot is not invalid.

Takes effect on July 1, 2026.

## 1 A BILL FOR AN ACT

2 Relating to electors of President and Vice President of the United States;  
3 amending ORS 248.355, 248.370 and 248.380; and prescribing an effective  
4 date.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** ORS 248.355 is amended to read:

7 248.355. (1) In a year when a President and Vice President of the United  
8 States are to be nominated and elected, each political party nominating  
9 candidates for those offices shall select a number of candidates for elector  
10 of President and Vice President equal to the total number of Senators and  
11 Representatives to which this state is entitled in Congress.

12 **(2) An individual may be selected as a candidate for elector of  
13 President and Vice President only if, at the time of the individual's  
14 selection, that individual is:**

15 **(a) Registered as an elector in this state;**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1       **(b) If selected under subsection (1) of this section, registered as**  
2       **being affiliated with the party selecting that individual; or**  
3       **(c) If selected to fill a vacancy under ORS 248.370, registered as not**  
4       **being affiliated with any political party.**

5       **[(2)] (3) Upon being selected, an individual who is selected as a can-**  
6       **didate for elector [when selected] shall sign a pledge stating that, if elected**  
7       **under ORS 248.360, the [candidate] individual will vote in the electoral**  
8       **college for the winning candidates [of the party] for President and Vice**  
9       **President, except as provided under ORS 248.370 (6)(b). The Secretary of**  
10       **State shall prescribe the form of the pledge.**

11       **(4) The party shall certify the names of the selected candidates for elector**  
12       **to the Secretary of State, and provide to the secretary the pledges signed**  
13       **by the candidates under subsection (3) of this section, not later than the**  
14       **70th day before the election of electors.**

15       **SECTION 2. ORS 248.370 is amended to read:**

16       **248.370. (1) The electors of President and Vice President shall convene at**  
17       **the State Capitol on the first Tuesday after the second Wednesday in De-**  
18       **cember following their election at a time to be established by the Secretary**  
19       **of State by rule.**

20       **(2) The Secretary of State shall preside over the convening of elec-**  
21       **tors under this section and shall perform any duty as an administrator**  
22       **on behalf of the electors in accordance with the requirements placed**  
23       **on electors under federal law and the laws of this state.**

24       **[(2)] (3) Not later than six days prior to the convening of electors under**  
25       **subsection (1) of this section, the Governor and the Secretary of State shall**  
26       **issue a certificate of ascertainment of appointment of electors as required**  
27       **by 3 U.S.C. 5. The certificate of ascertainment shall contain:**

28       **(a) A statement that:**

29       **(A) The electors listed on the certificate shall serve as electors un-**  
30       **less a vacancy occurs in the office of elector prior to the end of the**  
31       **meeting convened under this section;**

1       **(B) For any vacancy that may occur prior to the end of the meeting**  
2       **convened under this section, the vacancy will be filled at the meeting;**  
3       **and**

4       **(C) If a vacancy is filled on the day of the meeting of electors, the**  
5       **Governor shall submit an amended certificate of ascertainment certi-**  
6       **fying the names of the final list of electors who presented valid ballots**  
7       **to the Secretary of State at the meeting; and**

8       **(b)** A security feature or features for the purpose of verifying the au-  
9       thenticity of the certificate. The Secretary of State shall determine by rule  
10      the form of the security feature or features under this subsection.

11       [(3)] **(4)(a)** If there is any vacancy in the office of an elector caused by  
12      death, refusal to act, *[neglect]* **failure to attend the meeting of electors** or  
13      otherwise, **the Secretary of State shall declare the vacancy, and the**  
14      **remaining** electors present shall fill the vacancy by plurality of voice votes  
15      at the time and place of the convening of electors under subsection (1) of this  
16      section. The Governor and the Secretary of State shall issue an amended  
17      certificate of ascertainment **in accordance with the requirements of**  
18      **subsection (3) of this section** containing the name of any elector who fills  
19      a vacancy under this subsection **and indicating that the amended certif-**  
20      **icate is to be substituted for the certificate that was previously issued**  
21      **under subsection (3) of this section.**

22       [(4)] **(b)** Prior to the voice vote to fill a vacancy under **paragraph (a)**  
23      **of this** subsection [(3) of this section], a candidate for filling the vacancy  
24      shall sign the pledge required under ORS 248.355.

25       (5) When all the electors have appeared and any vacancies have been  
26      filled **under subsection (4) of this section**, the electors shall take and  
27      subscribe to an oath of office administered by the Secretary of State. Fol-  
28      lowing the taking of the oath of office under this subsection, the electors  
29      shall perform the duties required of them by the Constitution and laws of the  
30      United States.

31       **(6)(a) Each elector shall complete two ballots, one for President and**

1   **one for Vice President. The elector shall cast a vote for the winning**  
2   **candidate for each office, except as provided under paragraph (b) of**  
3   **this subsection.**

4    **(b) If the winning candidate for President or Vice President dies or**  
5    **withdraws after the date of the election but before the meeting of**  
6    **electors, the electors shall vote for the replacement to the winning**  
7    **candidate who is selected in accordance with the rules and bylaws of**  
8    **the political party that nominated the winning candidate.**

9    **(7) Each elector shall present that elector's completed ballots for**  
10   **President and Vice President under subsection (6) of this section to the**  
11   **Secretary of State.**

12   **(8)(a) The Secretary of State shall examine each ballot presented**  
13   **under subsection (7) of this section to determine whether the ballot is**  
14   **completed in accordance with the pledge signed by the elector under**  
15   **ORS 248.355. Any ballot that is unmarked or is not completed in ac-**  
16   **cordance with the pledge is invalid and may not be counted.**

17   **(b) The secretary shall declare that an elector who presents an in-**  
18   **valid ballot has vacated the office of elector and that the office is va-**  
19   **cant.**

20   **(c) For any vacancy declared under paragraph (b) of this subsection,**  
21   **the remaining electors present shall fill the vacancy by plurality of**  
22   **voice vote. Prior to the voice vote to fill a vacancy under this para-**  
23   **graph, a candidate for filling the vacancy shall sign the pledge re-**  
24   **quired under ORS 248.355. The Governor and the Secretary of State**  
25   **shall issue an amended certificate of ascertainment in accordance with**  
26   **the requirements of subsection (3) of this section containing the name**  
27   **of any elector who fills a vacancy under this paragraph and indicating**  
28   **that the amended certificate is to be substituted for the certificate**  
29   **that was previously issued under subsection (3) of this section.**

30   **(d) The elector who fills a vacancy under this subsection shall take**  
31   **and subscribe to an oath of office administered by the Secretary of**

1 **State and shall vote in accordance with subsection (6) of this section.**

2 **(9) After each elector has completed and presented ballots for**  
3 **President and Vice President, and the Secretary of State has deter-**  
4 **mined that each ballot is valid, the secretary shall prepare certificates**  
5 **of vote in accordance with the requirements of 3 U.S.C. 9. The certif-**  
6 **icates of vote must be signed and transmitted in accordance with 3**  
7 **U.S.C. 9, 10 and 11.**

8 **(10) The Secretary of State may adopt rules for the administration**  
9 **of this section.**

10 *[(6) The Secretary of State shall preside over the convening of electors un-*  
11 *der this section and shall perform any duty as an administrator on behalf of*  
12 *the electors in accordance with the requirements placed on electors under fed-*  
13 *eral law and the laws of this state.]*

14 **SECTION 3.** ORS 248.380 is amended to read:

15 248.380. An elector of President and Vice President of the United States  
16 who attends at the time and place appointed and votes for President and Vice  
17 President, **and whose ballot is not determined by the Secretary of State**  
18 **to be invalid under ORS 248.370**, shall be entitled to receive from this state  
19 mileage expenses at the rate allowed to members of the Legislative Assembly.

20 **SECTION 4. This 2026 Act takes effect on July 1, 2026.**

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