

Why Oregon Needs a Faithless Elector Law

Testimony by Jermall Keels to the Oregon Senate Interim Committee on Rules and Executive Appointments, January 13, 2026

Introduction

Chairperson Jama, Vice-Chair Starr, and distinguished Committee Members, thank you for the opportunity to testify before you today.

For the record, my name is Jermall Keels, I am a proud new Oregonian, and I am here as a Regulatory Compliance Specialist on behalf of Protect Democracy United, a cross-partisan 501(c)(4) that seeks to strengthen our representative institutions of government.

Today, I will address why we believe it is so important for Oregon to swiftly pass legislation to protect voters from the risk posed by faithless electors. My colleague David Weinberg will then testify regarding the specifics of the bill language under consideration today.

The Significance

So first, why should we care about faithless electors?

Many voters don't realize that when they cast their ballot for president, they technically are voting for a slate of presidential elector nominees, who then convene in December to cast their state's electoral votes.

Historically, this distinction hasn't mattered that much in practice. However, the last decade has shown that we can't continue to take for granted that our electoral systems will continue to operate as smoothly and impervious to our present era of intense political strife.

This risk is particularly amplified by the severe rise in threats of political violence across our society. This is an especially grave risk for presidential electors because, for six weeks, they effectively have their name on a public list of individuals in each

state with the mighty power to – rightly or wrongly – change the outcome of the next presidential election.

Even a single faithless presidential elector would arguably constitute a major violation of representative democracy, retroactively disenfranchising hundreds of thousands of confirmed American voters. Faithless electoral votes even have the potential to overturn the legitimate outcome of an entire presidential election.

Oregon's Current Approach

So, what is Oregon's current approach for guarding against this risk?

Here is what Oregon's election code currently says:

"A candidate for elector when selected shall sign a pledge that, if elected, the candidate will vote in the electoral college for the candidates of the party for President and Vice President."¹

This suggests a clear desire to ensure that our presidential electors honor the will of Oregon's voters, but it's missing a reliable enforcement mechanism to ensure that our system for picking presidential electors operates as intended.

Therefore, this current approach is insufficient for an era when well-intentioned individuals serving in this role might soon find themselves subjected to coercion.

This is why William Galston of the Brookings Institution and Wall Street Journal wrote in early 2024 that: "if I held a leadership position in a state legislature with no law or a vague law on this matter, I'd be urging my colleagues to act now or, if it's too late for this cycle, in time for the 2028 presidential election."²

The Solution

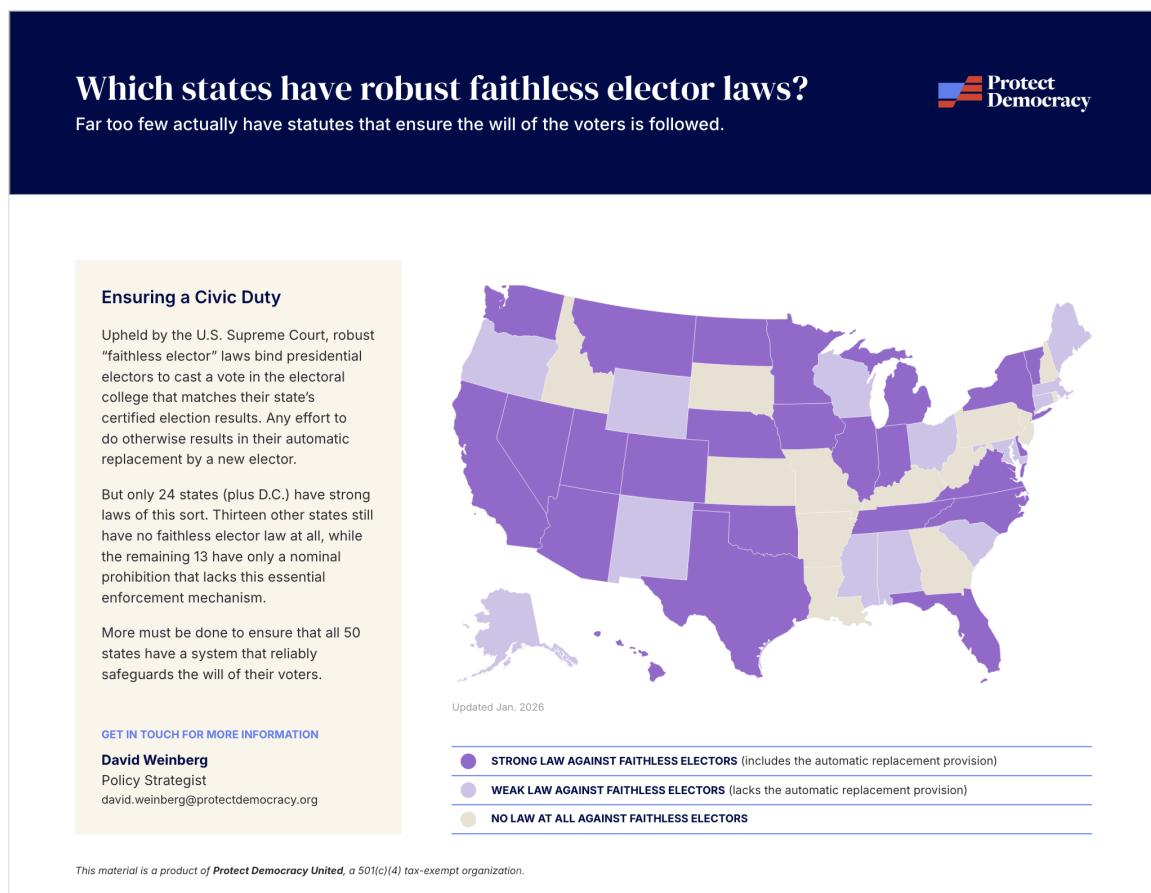
So, what exactly would an ideal solution entail?

It would look like the sort of robust laws to deal with faithless electors that are already in place in about half of all states today. So far, the District of Columbia and 24 states have laws on the books which specify that any elector who refuses to cast a faithful electoral vote forfeits position and instead be replaced by somebody else who will.

¹ From Or. Rev. Stat. Ann. § 248.355(2), https://oregon.public.law/statutes/ors_248.355

² William A. Galston, "Commentary: Could a single faithless elector cost Joe Biden the presidency?" Brookings Institution, May 21, 2024, <https://www.brookings.edu/articles/could-a-single-faithless-elector-cost-joe-biden-the-presidency/>

Here you can see those 24 states with strong faithless elector laws shown in dark purple, while the 13 states such as Oregon that have weaker faithless elector laws are shown in light purple.



There's no overarching pattern to states shown here in dark purple that already have a strong faithless elector law. They run the gamut in terms of political orientation, geography, and population. It mostly seems to be a matter of legislative inertia.

The best crafted of these laws are based closely on the Uniform Faithful Presidential Electors Act that was designed by the Uniform Law Commission in 2010. We are fortunate to have Mr. Lane Shetterly here today, as one of its foresighted bipartisan authors, and grateful for their work.

I'll hand things over now to my colleague David Weinberg, who can discuss how the Uniform Law Commission's model law operates in practice and how it has been adapted to Oregon's existing election code to suit the needs of our state.

Thank you for your time.

ABOUT US

Protect Democracy United is a nonpartisan, nonprofit group working to prevent American democracy from declining into a more authoritarian form of government.