

SB 1509 A STAFF MEASURE SUMMARY

House Committee On Rules

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Meeting Dates: 2/27

WHAT THE MEASURE DOES:

The measure revises the requirements for an elector of the president and vice president of the United States, for the certificate of ascertainment identifying the state's electors, and for filling elector vacancies. It requires each elector to complete a ballot for president and a ballot for vice president and to vote for the candidates of the political party, if any, that nominated or appointed them in accordance with their signed pledge, and to present their completed ballots to the Secretary of State (SOS). It gives the SOS the authority to examine each ballot, determine if it complies with the elector's pledge, and to invalidate and not count any unmarked ballot or a ballot that does not comply with the pledge. It takes effect on July 1, 2026.

Detailed Summary

- Requires an elector of the president and vice president of the United States to be registered to vote and registered with the party that selects them or not be affiliated with any party for candidates who are not affiliated with a political party.
- Revises the required elector pledge to specify that they will vote for candidates of the political party, if any, that nominated or appointed them and will vote for any replacement candidate selected by the party if the candidate for president or vice president dies or withdraws between the election and the meeting of electors.
- Requires the party to provide the pledges to the SOS.
- Revises the required content of the certificate of ascertainment and requires an amended certificate to be issued for any vacancies filled and to be substituted for the previously issued certificate.
- Requires each elector to complete a ballot for president and a ballot for vice president and to vote for the candidates of the political party, if any, that nominated or appointed them, and to present their completed ballots to the SOS.
- Requires the SOS to examine each ballot to determine if it complies with the elector's signed pledge and to invalidate and not count any unmarked ballot or a ballot that does not comply with the pledge.
- Requires the SOS to declare a vacancy for an elector who presents an invalid ballot and prescribes the process to fill that vacancy, including providing for the required elector pledge and oath and ballot presenting requirements.
- Specifies that the SOS shall prepare a certificate of vote once all ballots are valid.
- Allows for mileage expenses to be given to electors who attend the meeting of electors and whose ballot is not invalid.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Electors of the president and vice president of the United States are collectively known as the Electoral College. The Electoral College, established in Article II, Section I of the U.S. Constitution, is the body that votes for the president and vice president by simple majority. The number of a state's electors is equal to the number of that state's U.S. representatives and senators.

The Electoral Count Reform and Presidential Transition Improvement Act of 2022 (ECRA) revised the process of casting and counting electoral votes for presidential elections. ECRA specified 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. In 2024, House Bill 4019 was enacted to update Oregon law to align with federal requirements for the appointment and convening of electors for president and vice president of the United States.

Electors are typically expected to vote for the candidate of the party that selected them, which are known as faithful electoral votes. Faithless electoral votes are when an elector votes against their party's candidates. According to the National Conference of State Legislatures, no federal law or constitutional provision requires electors to vote for the party that nominated them, and some have voted against the voters' instructions in the popular vote. According to the Uniform Law Commission, 37 states have taken steps to prevent faithless electoral votes, including requiring pledges of faithfulness, imposing civil or criminal penalties for faithlessness, or providing that faithless voting constitutes a resignation from the office of elector.