

SB 1509 A STAFF MEASURE SUMMARY**Carrier:** Sen. Starr, Sen. Manning
Jr**Senate Committee On Rules**

Action Date: 02/11/26
Action: Do pass with amendments. (Printed A-Eng.)
Vote: 5-0-0-0
Yeas: 5 - Golden, Jama, Manning Jr, Starr, Thatcher
Fiscal: No fiscal impact
Revenue: No revenue impact
Prepared By: Leslie Porter, LPRO Analyst
Meeting Dates: 2/9, 2/11

WHAT THE MEASURE DOES:

The measure establishes the qualifications for electors of the United States' president and vice president. It requires electors to sign a pledge to vote for the candidates of the political party, if any, that nominated or appointed the elector. If a candidate dies or withdraws after the election but before the electors convene, the measure requires electors to vote for the replacement. It clarifies that the secretary of state presides over the meeting of electors. It requires the secretary of state to declare that an elector who does not vote according to the signed pledge has vacated the office and establishes a process for filling that vacancy. It specifies the contents of a certificate of ascertainment of electors and requires the governor and secretary of state to immediately issue an amended certificate of ascertainment when required. It allows for mileage expenses to be given to electors who attend the meeting of electors and whose ballot is not invalid. It takes effect on July 1, 2026.

ISSUES DISCUSSED:

- The pledge electors take to vote for specific candidates, and the lack of an enforcement mechanism when they do not vote according to their pledge
- The increased number of threats against election officials at all stages of an election
- Other states that have passed similar legislation

EFFECT OF AMENDMENT:

The amendment adds a qualification for being an elector when the candidates for president and vice president are not affiliated with a political party: that the elector not be affiliated with any political party. It requires the governor and secretary of state to immediately issue an amended certificate of ascertainment when required. The amendment also aligns language.

BACKGROUND:

Electors of the U.S. president and vice president 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. 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.