

SB 1509 A STAFF MEASURE SUMMARY**Carrier:** Rep. Grayber**House Committee On Rules****Action Date:** 03/03/26**Action:** Do Pass the A-Eng bill.**Vote:** 7-0-0-0**Yeas:** 7 - Bowman, Elmer, Grayber, Kropf, Pham H, Skarlatos, Wallan**Fiscal:** No fiscal impact**Revenue:** No revenue impact**Prepared By:** Melissa Leoni, LPRO Analyst**Meeting Dates:** 2/27, 3/3**WHAT THE MEASURE DOES:**

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

Detailed Summary:

- Requires electors of the U.S. president and vice president 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 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 for any vacancies filled that must be substituted for the previously issued certificate
- Requires each elector to complete a ballot for president and a ballot for vice president, vote for the candidates of the political party, if any, that nominated or appointed them, and 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 ballot that does not comply with the elector’s pledge
- Requires the SOS to declare a vacancy for an elector who presents an invalid ballot and prescribes the process to fill the vacancy, including provisions requiring an elector pledge and oath and procedures for ballot completion
- 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:

- Uniform Faithful Presidential Electors Act

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

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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 federal 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 appointing and convening electors for the U.S. president and vice president.

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.