

Senate Bill 1509

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Rules and Executive Appointments for Senators Kayse Jama, Bruce Starr)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

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.

A BILL FOR AN ACT

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

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

SECTION 1. ORS 248.355 is amended to read:

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

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

(a) Registered as an elector in this state;

(b) If selected under subsection (1) of this section, registered as being affiliated with the party selecting that individual; or

(c) If selected to fill a vacancy under ORS 248.370, registered as not being affiliated with any political party.

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

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

SECTION 2. ORS 248.370 is amended to read:

248.370. (1) The electors of President and Vice President shall convene at the State Capitol on

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.

the first Tuesday after the second Wednesday in December following their election at a time to be established by the Secretary of State by rule.

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

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

(a) A statement that:

(A) The electors listed on the certificate shall serve as electors unless a vacancy occurs in the office of elector prior to the end of the meeting convened under this section;

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

(C) If a vacancy is filled on the day of the meeting of electors, the Governor shall submit an amended certificate of ascertainment certifying the names of the final list of electors who presented valid ballots to the Secretary of State at the meeting; and

(b) A security feature or features for the purpose of verifying the authenticity of the certificate. The Secretary of State shall determine by rule the form of the security feature or features under this subsection.

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

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

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

(6)(a) Each elector shall complete two ballots, one for President and one for Vice President. The elector shall cast a vote for the winning candidate for each office, except as provided under paragraph (b) of this subsection.

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

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

(8)(a) The Secretary of State shall examine each ballot presented under subsection (7) of this section to determine whether the ballot is completed in accordance with the pledge

1 signed by the elector under ORS 248.355. Any ballot that is unmarked or is not completed in
2 accordance with the pledge is invalid and may not be counted.

3 (b) The secretary shall declare that an elector who presents an invalid ballot has vacated
4 the office of elector and that the office is vacant.

5 (c) For any vacancy declared under paragraph (b) of this subsection, the remaining
6 electors present shall fill the vacancy by plurality of voice vote. Prior to the voice vote to
7 fill a vacancy under this paragraph, a candidate for filling the vacancy shall sign the pledge
8 required under ORS 248.355. The Governor and the Secretary of State shall issue an amended
9 certificate of ascertainment in accordance with the requirements of subsection (3) of this
10 section containing the name of any elector who fills a vacancy under this paragraph and in-
11 dicating that the amended certificate is to be substituted for the certificate that was previ-
12 ously issued under subsection (3) of this section.

13 (d) The elector who fills a vacancy under this subsection shall take and subscribe to an
14 oath of office administered by the Secretary of State and shall vote in accordance with sub-
15 section (6) of this section.

16 (9) After each elector has completed and presented ballots for President and Vice Presi-
17 dent, and the Secretary of State has determined that each ballot is valid, the secretary shall
18 prepare certificates of vote in accordance with the requirements of 3 U.S.C. 9. The certif-
19 icates of vote must be signed and transmitted in accordance with 3 U.S.C. 9, 10 and 11.

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

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

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

25 248.380. An elector of President and Vice President of the United States who attends at the time
26 and place appointed and votes for President and Vice President, **and whose ballot is not deter-**
27 **mined by the Secretary of State to be invalid under ORS 248.370,** shall be entitled to receive
28 from this state mileage expenses at the rate allowed to members of the Legislative Assembly.

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