



Uniform Law Commission

NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

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Oregon Senate Committee on Rules
Oregon State Capitol
900 Court Street NE
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Statement of the Uniform Law Commission, Represented by Oregon Commissioner Lane Shetterly to the Oregon Senate Rules Committee in Favor of Senate Bill 1509

Dear Chair Jama, Vice Chair Bonham, and Members of the Committee,

Thank you for the opportunity to testify in support of Senate Bill 1509, with the -1 amendments, which substantially adopts the Uniform Faithful Presidential Electors Act in Oregon. A copy of the Act, as well as other supporting materials can be found on the Uniform Law Commission's (ULC) website www.uniformlaws.org.

The United States Supreme Court recently made clear that states have the authority to bind their electors to the candidates they have pledged to support. *Chiafalo v. Washington*, 591 U.S. 578 (2020), *Colorado Dep't of State v. Baca*, 591 U.S. 655 (2020). This legislation provides a remedy to protect citizens from the potential damage that could result from presidential electors who do not adhere to their obligations to vote faithfully for their parties' candidates. That harm could occur if an elector does not vote at all or votes for another candidate. While occasional "faithless" electors across the country have not so far changed the outcome of a presidential election, *it could happen*. The ULC drafted the Uniform Faithless Electors Act for states to adopt to avoid just such a catastrophic possible outcome.

Oregon does have a statute that requires an elector to vote for his or her party's presidential ticket. However, Oregon's current statute lacks a mechanism to automatically replace an elector that casts a rogue ballot. Thus, enacting Senate Bill 1509 would ensure that a presidential elector who fails to honor this requirement can't get away with spoiling any of the state's intended electoral votes for the presidential ticket chosen by Oregon's voters.

Senate Bill 1509, with the 1- amendments, would substantially enact the Uniform Faithful Presidential Electors Act in Oregon. Thirteen jurisdictions have adopted the Uniform Faithful Presidential Electors Act. Five states are considering the Act in addition to Oregon this session. The bill establishes a statutory remedy if a presidential elector attempts to cast an electoral vote contrary to the outcome of Oregon's presidential popular vote.

The Uniform Faithful Presidential Electors Act requires each elector to execute a state-administered pledge of faithfulness. If an elector attempts to vote in violation of that pledge, the statute treats the elector as having resigned from the office of elector, creating a vacancy.



Anyone appointed to fill a vacancy in the office of elector is likewise required to take a pledge of faithfulness and vote in accordance with the pledge.

Senate Bill 1509, with the -1 amendments, provides safeguards to prevent the potential consequences of faithless voting.

The Uniform Faithful Presidential Electors Act, as adopted by Senate Bill 1509, with the -1 amendments, gives voters confidence that the votes they cast will be honored when the Electoral College meets to decide the president and vice president. It ensures the orderly operation of states' Electoral College voting and protects the will of the people as expressed by the underlying election.

About the Uniform Law Commission

The ULC is a 134-year-old state-supported organization. We are a group of volunteer attorneys that provide states with non-partisan, well-conceived, and well-drafted legislation that brings clarity and stability to critical areas of state statutory law. The study and drafting process is open and inclusive. It encourages participation by persons with a wide variety of perspectives and subject matter expertise, with the goal of creating the highest quality draft legislation possible.

ULC commissioners are practicing lawyers, judges, legislators and legislative staff, and law professors, who have been appointed by state governments as well as the District of Columbia, Puerto Rico and the U.S. Virgin Islands. ULC commissioners donate thousands of hours of legal work, without compensation, to research, draft, and promote enactment of uniform state laws in areas of state law where uniformity is desirable and practical.

Respectfully,

Lane Shetterly
Oregon Commission on Uniform State Laws