

Why Oregon Needs A Faithless Elector Law

Testimony by David A. Weinberg to the Oregon House Committee on Rules, February 27, 2026

Introduction

Chair Bowman, Vice-Chair Elmer, and distinguished Members of this Committee, thank you for the opportunity to submit written testimony to you today.

For the record, my name is Dr. David Weinberg, and I am testifying in my capacity as a Policy Strategist for Protect Democracy United, a cross-partisan 501(c)(4) that seeks to strengthen the representative institutions of our system of government.

[Senate Bill 1509A](#) would do an excellent job of safeguarding Oregon's electoral votes from any faithless conduct by presidential electors. Built on the Uniform Law Commission's outstanding [2010 model bill](#), S.B. 1509A would also help protect the voice of Oregon's voters, bolster the personal safety of Oregon's presidential electors, and mitigate one potential source of instability in our nation's elections for president.

The Problem

Many voters don't realize that when they cast their ballot for president, they technically are voting for a slate of presidential elector nominees, who then convene in December to cast their state's electoral votes.

Historically, this distinction hasn't mattered much in practice. However, the last decade has shown that we can't continue to take for granted that our electoral systems will continue to operate as smoothly, impervious to our present era of intense political strife.

This risk is amplified by the severe rise in threats of political violence across our society. This is an especially grave risk for presidential electors because, for six

weeks, they have their name on a public list of individuals in each state with the mighty power to dramatically impact the outcome of the next presidential election.

Even a single faithless presidential elector would arguably constitute a major violation of representative democracy, retroactively disenfranchising hundreds of thousands of confirmed American voters. Faithless electoral votes even have the potential to overturn the legitimate outcome of an entire presidential election.

Oregon's Current Approach

What is Oregon's current approach for guarding against this risk?

Here is what Oregon's election code currently says:

"A candidate for elector when selected shall sign a pledge that, if elected, the candidate will vote in the electoral college for the candidates of the party for President and Vice President."¹

This suggests a clear desire to ensure that our presidential electors honor the will of Oregon's voters, but it's missing a reliable enforcement mechanism to ensure that our system for picking presidential electors operates as intended.

Therefore, this current approach is insufficient for an era when well-intentioned individuals serving in this role might soon find themselves subjected to coercion.

This is why William Galston of the Brookings Institution and *Wall Street Journal* wrote in early 2024 that: "if I held a leadership position in a state legislature with no law or a vague law on this matter, I'd be urging my colleagues to act now or, if it's too late for this cycle, in time for the 2028 presidential election."²

The Solution

What exactly would an ideal solution entail?

It would look like the sort of robust laws to deal with faithless electors that are already in place in about half of all states today. So far, the District of Columbia and 24 states have laws on the books which specify that any elector who refuses to

¹ From Or. Rev. Stat. Ann. § 248.355(2), https://oregon.public.law/statutes/ors_248.355

² William A. Galston, "Commentary: Could a single faithless elector cost Joe Biden the presidency?" Brookings Institution, May 21, 2024, <https://www.brookings.edu/articles/could-a-single-faithless-elector-cost-joe-biden-the-presidency/>

cast a faithful electoral vote ballot forfeits her position and instead is replaced by somebody else who will carry out that task faithfully.

Here you can see those 24 states with strong faithless elector laws shown in dark purple, while the 13 states such as Oregon that have weaker faithless elector laws are shown in light purple.

Which states have robust faithless elector laws?

Far too few actually have statutes that ensure the will of the voters is followed.



Ensuring a Civic Duty

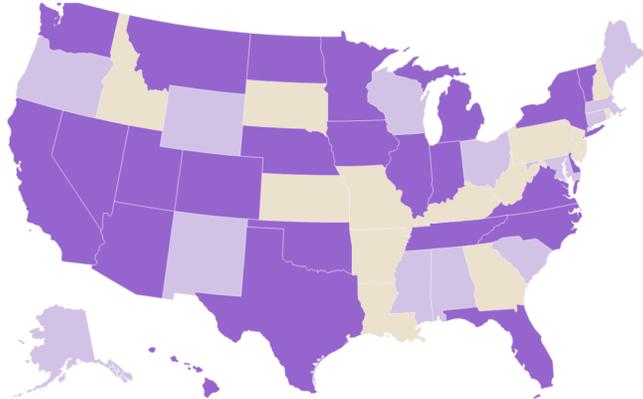
Upheld by the U.S. Supreme Court, robust "faithless elector" laws bind presidential electors to cast a vote in the electoral college that matches their state's certified election results. Any effort to do otherwise results in their automatic replacement by a new elector.

But only 24 states (plus D.C.) have strong laws of this sort. Thirteen other states still have no faithless elector law at all, while the remaining 13 have only a nominal prohibition that lacks this essential enforcement mechanism.

More must be done to ensure that all 50 states have a system that reliably safeguards the will of their voters.

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- STRONG LAW AGAINST FAITHLESS ELECTORS** (includes the automatic replacement provision)
- WEAK LAW AGAINST FAITHLESS ELECTORS** (lacks the automatic replacement provision)
- NO LAW AT ALL AGAINST FAITHLESS ELECTORS**

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There's no overarching pattern to the states shown here in dark purple that already have a strong faithless elector law. They run the gamut in terms of political orientation, geography, and population. It mostly seems to be a matter of initiative over legislative inertia.

The best crafted of these laws are based closely on the Uniform Faithful Presidential Electors Act that was designed by the Uniform Law Commission in 2010. We are fortunate to have former House Speaker Pro Tempore Lane Shetterly testifying today, as one of its foresightful bipartisan authors, and are grateful for his work.

The Legislation

The most important provisions of the bill before you today focus on the process for Oregon's presidential electors when they convene to cast their electoral vote ballots.

The bill specifies that presidential electors must cast their electoral vote ballots in accordance with their pledge and that failure to do so vacates their position automatically. It requires that the Secretary of State, as the presiding officer at that convening, review each completed electoral vote ballot and may not accept or count any that are filled out unfaithfully. It requires any individual appointed to fill a vacancy among the electors to take the same pledge as the other electors. And it clarifies that, if the winning candidate for president or vice president dies or withdraws leading up to elector balloting day, the pledge taken by the electors shall bind them to the winning party's successor candidate rather than to the person who has withdrawn or died.

If you'd like me to go through the bill section by section or to explain any of its more minor provisions, I would be happy to do so during the question and answer period.

In addition, you may notice that this bill was amended before it was passed by the Senate. That amendment was simply to address some hiccups during the drafting process, so that this bill would function as intended. If you have any questions about what was affected by that amendment, I'd also be happy to address those during Q&A.

Conclusion

This bill is like an insurance policy against the coercion of the electors. The vast majority of states require drivers to buy insurance before they get behind the wheel. It's simply a matter of common sense to want to apply that same level of caution to your state's electoral votes.

By taking action on S.B. 1509A this week, you are also doing something special. You are taking serious, constructive action on bipartisan legislation to shore up one of the foundational pillars of our electoral democracy.

Yesterday, South Dakota's legislature passed a very similar bill, and it did so unanimously. Bills that either establish or improve the procedures for guarding against faithless electors have also been making progress since the start of 2026

in Alabama, Arizona, Colorado, Maryland, Massachusetts, and Oklahoma.

At the end of the day, this bill is not about partisan advantage. It's about principle.

It will reinforce the integrity of Oregon's election system, uphold the will of all Oregon voters, align Oregon with best practices in place across two dozen states, and better protect the volunteers who serve as Oregon's presidential electors.

Thank you for your consideration. I look forward to any questions you may have.

For more information, contact:

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ABOUT US

Protect Democracy United is a nonpartisan, nonprofit group working to prevent American democracy from declining into a more authoritarian form of government.