

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE  
SECRETARY OF STATE

CHERYL MYERS  
DEPUTY SECRETARY OF STATE  
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK  
DIRECTOR

800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

**TEMPORARY ADMINISTRATIVE ORDER**  
INCLUDING STATEMENT OF NEED & JUSTIFICATION

**ELECT 13-2024**

CHAPTER 165  
SECRETARY OF STATE  
ELECTIONS DIVISION

**FILED**

07/18/2024 3:50 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Defines requirements for Certificates of Ascertainment of Electoral College.

EFFECTIVE DATE: 07/19/2024 THROUGH 01/14/2025

AGENCY APPROVED DATE: 07/18/2024

CONTACT: Bob Roberts  
503-986-1518  
elections.sos@sos.oregon.gov

Public Service Building  
255 Capitol Street NE, Suite 126  
Salem, OR 97310

Filed By:  
Bob Roberts  
Rules Coordinator

NEED FOR THE RULE(S):

This rule is needed to outline the requirements for Certificates of Ascertainment of Electoral College in time for the 2024 General Election.

JUSTIFICATION OF TEMPORARY FILING:

The changes in HB 4019 (2024) are in effect for the general election, November 5, 2024. The Secretary of State finds that the failure to quickly implement clarifying rules will result in serious prejudice to the public interest because political parties and presidential candidates would not have the information and guidance needed to comply with the updated requirements.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

HB 4019 (2024), Electoral Count Reform and Presidential Transition Improvement Act of 2022 available online at Congress.gov, oregonlegislature.gov or from the Elections Division.

ADOPT: 165-025-0110

RULE SUMMARY: Enacts HB 4019 (2024). Defines requirements for Certificates of Ascertainment of Electoral College. Provides for a "security feature" to identify duly elected electors and to safeguard the authenticity of archived certificates. Aligns Oregon with the Electoral Count Reform and Presidential Transition Improvement Act of 2022.

CHANGES TO RULE:

165-025-0110

Certificates of Ascertainment

(1) In addition to the certificates of election issued under OAR 165-025-0100 (6), the Secretary of State shall issue certificates of ascertainment of presidential electors as required by law.¶

(2) Each year in which a President and Vice-President of the United States are to be nominated and elected, the Secretary of State shall select one or more security features to be used for purposes of verifying the authenticity of certificates of ascertainment. ¶

(a) In selecting security feature(s), the Secretary of State shall consider best practices used by other states, the needs of the parties who receive certificates of ascertainment as required by federal law, technological developments, and the reliability and reproducibility of the available security feature(s).¶

(b) No later than ninety days before the date of the general election, the Secretary of State shall document what security feature(s) shall be used for certificates of ascertainment that year, shall place the documentation in a sealed envelope, and shall maintain it in a secure manner.¶

(c) The Secretary of State shall maintain the security feature(s) in confidence in accordance with best practices for sensitive information and shall disclose it only as necessary to those officials responsible for producing, receiving, and authenticating the certificates of ascertainment.

Statutory/Other Authority: ORS 246.150, Electoral Count Reform and Presidential Transition Improvement Act, HB 4019 (2024), ORS 248.370

Statutes/Other Implemented: HB 4019 (2024), ORS 248.370