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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

ELECT 15-2024

CHAPTER 165
SECRETARY OF STATE
ELECTIONS DIVISION

FILED

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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Defines requirements for Transmission of Original Documents to Authorized Officials of the United States.

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

AGENCY APPROVED DATE: 07/18/2024

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Filed By:
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NEED FOR THE RULE(S):

This rule is needed to outline the requirements for Transmission of Original Documents to Authorized Officials of the United States 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. This rule strengthens security measures and ensures timely delivery of original documents to authorized officials of United States.

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: 165-025-0130

RULE SUMMARY: Enacts HB 4019 (2024). Defines requirements for Transmission of Original Documents to Authorized Officials of the United States. Aligns Oregon with the Electoral Count Reform and Presidential Transition Improvement Act of 2022.

CHANGES TO RULE:

165-025-0130

Transmission of Original Documents to Authorized Officials of the United States

(1) The Secretary of State's duties after the convening of presidential electors shall include but shall not be limited to, the following:¶

(a) transmitting original documents related to the convening of electors to officials of the United States as

required by law and communicating with those officials to ensure the documents are received promptly and securely.¶

(b) maintaining in a secure manner at least two additional sets of the original documents transmitted to officials of the United States; ¶

(c) communicating as necessary with officials of the United States regarding authenticity of the original documents transmitted to them; and¶

(d) undertaking any other actions that the Secretary of State deems necessary and proper to ensure that officials of the United States promptly receive and can properly authenticate the original documents related to the convening of electors in the manner required by law.¶

(2) The Secretary of State may transmit one or more of the sets of original documents described in OAR 165-025-0120 to an official of the United States if the Secretary of State has already transmitted the documents described in section (3)(g) to that official and those documents are missing, damaged, or cannot be authenticated. ¶

(3) The Secretary of State must retain at least one of the sets of original documents described in section (3)(g) in the custody of the state of Oregon.

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