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PERMANENT ADMINISTRATIVE ORDER

ELECT 24-2024

CHAPTER 165
SECRETARY OF STATE
ELECTIONS DIVISION

FILED

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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

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

EFFECTIVE DATE: 12/21/2024

AGENCY APPROVED DATE: 12/16/2024

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ADOPT: 165-025-0110

REPEAL: Temporary 165-025-0110 from ELECT 13-2024

NOTICE FILED DATE: 10/18/2024

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