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PERMANENT ADMINISTRATIVE ORDER

ELECT 25-2024

CHAPTER 165
SECRETARY OF STATE
ELECTIONS DIVISION

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FILING CAPTION: Defines requirements for Convening of Presidential Electors.

EFFECTIVE DATE: 12/21/2024

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ADOPT: 165-025-0120

REPEAL: Temporary 165-025-0120 from ELECT 14-2024

NOTICE FILED DATE: 10/18/2024

RULE SUMMARY: Enacts HB 4019 (2024). Defines requirements for Convening of Presidential Electors. Designates Oregon's Secretary of State to establish time, place, and manner to perform the official administrative duties of electors casting and the Executive Branch transmitting the electors' Presidential and Vice-Presidential votes. Aligns Oregon with the Electoral Count Reform and Presidential Transition Improvement Act of 2022.

CHANGES TO RULE:

165-025-0120

Convening of Presidential Electors

(1) Not later than six days prior to the convening of presidential electors, the Secretary of State shall:

(a) prepare and sign certificates of ascertainment in the manner required by law;

(b) ensure the certificates of ascertainment have been presented to and signed by the Governor as required by law;

(c) notify presidential electors of the exact time and location of the convening of presidential electors under ORS 248.370.

(2) The Secretary of State or a designee shall preside over the convening of presidential electors.

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

(a) administering the roll call;

(b) ensuring the oath of office is administered to presidential electors;

(c) presiding over votes concerning the continuance of the roll call under section 4;

(d) presiding over votes to fill vacancies in the office of presidential elector;

(e) maintaining the record of such votes and preparing any documents required by law to document the filling of a vacancy, including but not limited to amended certificates of ascertainment;

(f) preparing ballots for presidential electors to vote separately for the offices of President and Vice President of the United States, distributing the ballots to the presidential electors, and tallying the votes in the manner required by law;

(g) preparing any documents required by law to document such vote, including but not limited to the number of

original certificates of vote required by law;¶

(h) ensuring all original documents to be transmitted to officials of the United States are signed, prepared, collated, and sealed as required by law; ¶

(i) preparing official minutes of the convening of presidential electors; ¶

(j) preparing any other official records related to the convening of electors that are required by law; and ¶

(k) preparing any other records related to the convening of electors that the Secretary of State deems necessary and proper.¶

(4) A vacancy in the office of presidential elector shall be declared if a presidential elector is physically absent at the end of the roll call during the convening of presidential electors.¶

(5) Notwithstanding section 4, the presidential electors may determine, by unanimous vote of those who are physically present during roll call, to continue the roll call until a later time in the same day to permit an absent presidential elector to appear. In making this determination, the presidential electors must allow sufficient time on the day of the convening to perform the duties required of them by the Constitution and laws of the United States.

¶
(6) If a vacancy in the office of the presidential elector is declared as described in section 4, the presidential electors who are physically present shall fill the vacancy as required by law.

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