

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 165
SECRETARY OF STATE
ELECTIONS DIVISION

FILED

10/18/2024 2:36 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Defines terms and requirements for Presidential Elector.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/13/2024 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 12/12/2024

TIME: 2:00 PM - 3:00 PM

OFFICER: Bob Roberts

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-446-4951

CONFERENCE ID: 494995791

NEED FOR THE RULE(S)

Federal law prescribes general processes that states must follow to designate members of the Electoral College, who select a president and vice president every four years. In 2022, the federal government passed the Electoral Count Reform and Presidential Transition Improvement Act, or ECRA, to clarify the processes for counting electoral votes and to strengthen security features. This bipartisan legislation updated the Electoral Count Act of 1887, which had not been substantially changed since its enactment. This rule implements legislative mandates found in HB 4019 (2024) to incorporate ECRA changes.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

HB 4019 (2024) available online at oregonlegislature.gov or from the Elections Division.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

This rule promotes racial equity. The terms of the rule promote racial equity by protecting against implicit bias and ensuring that the same guidelines and procedures apply consistently to all qualified Presidential Electors and all political parties.

FISCAL AND ECONOMIC IMPACT:

Proposed rules may cause minimal fiscal or economic impact to the Secretary of State, Elections Division.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) There may be a minimal fiscal impact for the state Elections Division to implement and answer questions regarding compliance with these rules, or for other unanticipated reasons.

(2)(a) Because these rules regulate the activity of State, it is not expected to impact small businesses.

(2)(b), (c) The cost that any elections office required to comply with this rule may be responsible for is dependent upon specific circumstances and cannot readily be determined.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved as this rule does not directly affect small businesses.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The fiscal impact of proposed rules are expected to be minimal at most.

ADOPT: 165-025-0100

RULE SUMMARY: Enacts HB 4019 (2024), defines terms and requirements for Presidential Elector. Aligns Oregon with the Electoral Count Reform and Presidential Transition Improvement Act of 2022. Adopts SEL 147 as Presidential Elector Candidate Pledge.

CHANGES TO RULE:

165-025-0100

Candidates for Presidential Elector

(1) For purposes of this rule, a "certifying party" is any major or minor party, assembly of electors, or chief sponsor of a certificate of nomination made by individual electors who may certify names of candidates for presidential elector under ORS 248.355(2) and this rule.¶

(a) Any major or minor party may certify names of candidates for presidential elector as described in this rule. ¶

(b) Any assembly of electors under ORS 249.735 that nominates candidates for President and Vice President of the United States may certify names of candidates for presidential elector as described in this rule. Before certifying names of candidates for presidential elector, an assembly of electors must specify the names of candidates for presidential elector during its nominating convention and vote on those candidates at the same time it nominates candidates for President and Vice President of the United States.¶

(c) Any chief sponsor of a certificate of nomination made by individual electors under ORS 249.740 that nominates candidates for President and Vice President of the United States may certify the names of candidates for presidential elector as described in this rule. A chief sponsor's authority to certify candidates is limited to certifying the names of candidates for presidential elector that are included in the prospective certificate and certificate of nomination for President and Vice President of the United States. ¶

(2) The Elections Division adopts SEL 147 as the form of the pledge to be signed by candidates for presidential elector.¶

(3) To certify a candidate for presidential elector, a certifying party must provide the following to the Elections Division:¶

(a) A letter specifying the names of the candidates to be certified, signed by one or more authorized representatives of the certifying party; and ¶

(b) A pledge in the form specified in section 2, signed by each candidate for presidential elector specified in the letter.¶

(4) The certifying party must deliver the documents specified in section 3 to the Elections Division no later than 5:00:00 p.m. on the 70th day before the election of presidential electors. ¶

(5) A certifying party may fill a vacancy in its selections for presidential elector as follows:¶

(a) A major party may fill a vacancy in its selections in the manner described in ORS 249.190.¶

(b) A minor party may fill a vacancy in its selections in the manner described in ORS 249.842(1).¶

(c) An assembly of electors described in OAR 165-025-001(1)(b) may fill a vacancy in its selections in the manner described in ORS 249.842(2).¶

(d) A vacancy in selections certified by a chief sponsor under OAR 165-025-001(1)(c) may be filled in the manner described in ORS 249.842(4).¶

(6) The Secretary of State shall issue certificates of election to candidates for presidential elector as provided in ORS 254.555.

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

RULE ATTACHMENTS MAY NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

**Electoral College
Presidential Elector Candidate Pledge**

For candidates who were nominated by a political party, assembly of electors or individual electors

SEL 147

rev 07/24
ORS 248.355
*OAR 165-025-0100

Candidate Pledge Deadline
General Election August 27, 2024

Candidate Information			
Name of Candidate			
First	MI	Last	
Candidate Residence Address			
Street Address	City	State	Zip
Candidate Mailing Address and Contact Information			
Street Address or PO Box	City	State	Zip
Work Phone	Home Phone	Cell Phone	
Email Address			

By signing this document, **I DO SOLEMNLY PLEDGE** that:

I understand that a certifying party* intends to certify me as a candidate for the office of presidential elector for the State of Oregon in 2024.

I accept the nomination for the office indicated above.

If elected, I will faithfully discharge, to the best of my ability, the duties of presidential elector as prescribed in the Constitution of the United States, the Constitution of the State or Oregon and the laws thereunder; and

I understand that those duties require me to be present at the State Capitol on December 17, 2024, to cast my vote; and

I will vote for the candidates for President and Vice President selected by the party that certified me as a candidate for presidential elector.

Signature of Presidential Elector Candidate

Date Signed