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Chair Fahey, Vice-Chair Helfrich, Vice-Chair Kropf, and Members of the House Committee:

My name is Kathy Wai, and I'm the Legislative Director for Secretary Griffin-Valade. I'm here in support of HB 4019, that will make improvements to the electoral count process. Our mission at the Oregon Secretary of State is to build trust between the people of Oregon and state government so that public services can make a positive difference in peoples' lives. We build trust in our democracy by ensuring secure, fair, and accessible elections at all levels. As Oregon's chief elections officer, one of the Secretary's top priorities is to successfully administer and oversee Oregon elections.

### **Electoral Count Reform Act (ERCA)**

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. Since its passage, eleven states have enacted ECRA changes to follow the federal requirement.

### **HB 4019**

The bill updates ORS 248.370 to align with federal law. We propose three changes to align state practice with federal requirements:

- Oregon has three statewide elected officials in its executive branch: the Governor, the Secretary of State, and the Treasurer. This proposal would follow existing practice by designating the Governor and the Secretary of State as the executive officials to sign certificates of ascertainment.
- ECRA requires each state to create a "security feature" to ensure the genuineness of certificates of ascertainment (the official documents that identify duly elected electors from that state). This proposal would allow the Secretary of State to administer the creation and management of the newly required security feature by rule.
- Oregon law states that electors shall gather to vote "on the Monday after the second Wednesday in December." Oregon law is out of alignment with federal requirements and should be revised to mirror federal law.

#### **Point of Contact:**

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Within the general requirements of the U.S. Constitution and the Electoral Count Act, states have the power to specify their own processes for selecting electors. We reviewed the regular practices that have been used for electors in Oregon and found many of them do not appear in rule or statute. Broadly, we are proposing these two longstanding practices be clarified in law:

- Recognize the Secretary serves as the administrator of the electoral college process, convening and facilitating the meeting, keeping a faithful record of the votes, and transmitting them accurately to the required federal authorities.
- Recognize that in addition to the statutorily prescribed pledge, electors receive a certificate of election and take an oath of office, like other elected officials.

HB 4019 aligns Oregon with federal requirements for the electoral count process. It also codifies our practices so that they appear in law rather than dictated by tradition. We hope to get your support.

Sincerely,  
Kathy Wai

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