

SB 1509 -1 STAFF MEASURE SUMMARY

Senate Committee On Rules

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Meeting Dates: 2/9, 2/11

WHAT THE MEASURE DOES:

The measure establishes the qualifications of electors of the President and Vice President of the United States. It requires electors to sign a pledge to vote for the winning candidates. If a winning candidate either dies or withdraws after the date of the election but before the convening of electors, it requires electors to vote for the replacement. It clarifies that the Secretary of State (SOS) presides over the meeting of electors. It requires the SOS to declare that an elector who does not vote according to the signed pledge has vacated the office, and establishes a process for filling that vacancy. It provides the contents of a certificate of ascertainment of electors. It allows for mileage expenses to be given to electors who attend the meeting of electors and whose ballot is not invalid. It takes effect on July 1, 2026.

Fiscal impact: A statement has not yet been issued.

Revenue impact: A statement has not yet been issued.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 The amendment requires electors to not be affiliated with any political party, if the candidates for President and Vice President are not affiliated with a political party. It clarifies that when an amended certificate of ascertainment is required, then the Governor and SOS shall immediately issue it. It also aligns language for clarity.

Fiscal impact: No impact.

Revenue impact: No impact.

BACKGROUND:

Electors of the President and Vice President of the United States (electors) are collectively known as the electoral college. The electoral college is established in Article II, Section I of the United States Constitution, and is the body that votes for the president and vice president, by simple majority. The number of a given state's electors is equal to the number of that state's United States Representatives and Senators. Electors are typically expected to vote for the candidate of the party that selected them, which are known as faithful electoral votes. Faithless electoral votes are when an elector votes against their parties' candidates. According to the National Conference of State Legislatures, no federal law or constitutional provision requires electors to vote for the party that nominated them, and some have voted against the instructions from the voters during the popular vote.

According to the Uniform Law Commission, 37 states have taken steps to prevent faithless electoral votes, including requiring pledges of faithfulness, forbidding faithlessness through civil or criminal penalties, or providing that faithless voting constitutes a resignation from the office of elector.