

Why Oregon Needs This Faithless Elector Law

Testimony by David A. Weinberg to the Oregon Senate Committee on Rules, February 9, 2026

Introduction

Chair Jama, Vice-Chair Starr, and esteemed Members of this Committee, thank you for the opportunity to testify for you again today.

For the record, my name is Dr. David Weinberg, and I am testifying in my capacity as a Policy Strategist for Protect Democracy United, a cross-partisan 501(c)(4) that seeks to strengthen the representative institutions of our system of government.

We commend you for introducing and holding this hearing on [Senate Bill 1509](#).

This legislation with [the sponsor's amendment](#) would do an excellent job of safeguarding Oregon's electoral votes from any faithless conduct by presidential electors. Built on the Uniform Law Commission's outstanding 2010 model bill, the [Uniform Faithful Presidential Electors Act](#), SB 1509 would also help protect the voice of Oregon's voters, bolster the personal safety of Oregon's presidential electors, and help address one potential source of instability in our nation's elections for president.

Because you've already heard me and other witnesses provide extensive details on the utility of this bill in a previous hearing - twice now, for those of you who also serve on the Senate's Judiciary Committee - I'll keep things brief and skip any further belaboring of the function and form of this particular bill itself.

Instead, I will focus just on the bipartisan sponsor's amendment that is now posted on OLIS, so you can know exactly what you could be voting on when this committee considers SB 1509 at its scheduled work session this Wednesday.

The Sponsor's Amendment

The sponsor's amendment does five important things to guarantee that this bill

achieves its purpose and creates a system for ensuring faithful electoral votes that operates smoothly and effectively. It also aligns with [the suggestions](#) for amending this bill that we outlined for you during your January 13th hearing on this matter.

First, Elector Qualifications that Make Sense

The very first item in this amendment constitutes the most important change that it would make to SB 1509.

In this regard, this amendment will fix a considerable problem in Section 1 Subsection 2 of this bill, which is the section that lays out some commonsense qualification requirements for Oregon's presidential electors.

What Subsection 2(c) was supposed to do is to require that any presidential electors who are nominated by a non-party presidential ticket must be registered as not affiliated with any political party. This amendment will correct the wording in Subsection 2(c) so that it accurately achieves that objective.

Second, Avoiding the Word "Winning"

In the big picture, this bill helps to better guarantee that Oregon's electoral votes will always go to its rightful winner in the presidential election.

But because Oregon is a member of the National Popular Vote Interstate Compact, this bill could have counterproductive effects if we were to bind Oregon's electors to the quote-unquote "winning" candidate because that's not a clearly established term in this context, and it could arguably be referring either to the ticket that won the most votes in Oregon or the ticket that won the most votes nationwide.

Therefore, several of the edits in this amendment are designed to help avoid any such ambiguous outcomes by finding coherent ways to swap out the word "winning". Instead, this amendment refers in those places to the presidential candidate nominated by the same political party that nominated the presidential electors. This approach achieves the same fundamental objective, and it does so in a manner that avoids any uncertainty in how the bill should operate in any kind of future scenario.

Third, Holding Non-Party Tickets to the Same Standards

This amendment will also ensure that political parties aren't held to a higher standard when it comes to presidential elector conduct than non-party tickets for president are. That's why this amendment would add the words "if any" at three different points in SB 1509 after the phrase "the political party".

If this amendment were to stop after replacing references to the winning candidate with references to the candidate nominated by the political party that nominated the

victorious slate of electors, this would have the unintended effect of letting non-party electors engage in unfaithful conduct. Therefore, this amendment refers in several places to "the political party, if any" instead of just saying "the political party," full stop.

Fourth, No Duplicate Mechanisms for Filling Vacancies

As SB 1509 is currently drafted, it would unnecessarily create a second mechanism for how to fill any vacancies among the presidential electors during elector balloting day. Currently, the state provides for filling any vacancies when the electors convene by having them take a voice vote to choose and appoint any new electors.

We noticed that the bill text unintentionally would create a second, identical process for filling any vacancies which might emerge later that day due to faithless conduct by any of the electors. It would have created a parallel process for filling such vacancies in the same manner as the existing process, again via a voice vote by the electors.

Therefore, this amendment simplifies the matter. Instead of creating a second, parallel mechanism for filling any vacancies that emerge later in the day, it specifies that any vacancies which emerge later in the day shall be filled by the process already laid out in state law for any vacancies that occur at the start of when they convene.

Fifth, Issuing Certificates on Time

Last year, the State of Kansas failed to issue part of its obligatory paperwork for the electoral college by one of the deadlines laid out in federal election law.

In order to ensure that Oregon doesn't accidentally commit an error of this sort, this amendment specifies that if any of Oregon's presidential electors have to be replaced – such as due to faithless conduct – the required certificate to the federal government which lists the state's updated set of presidential electors shall be issued and transmitted "immediately".

Conclusion

In sum, this amendment would achieve the following five things:

- (1) It will ensure that the bill only institutes qualifications for presidential electors that actually make sense;
- (2) It will take out the word "winning" to avoid any potential uncertainty in future scenarios;
- (3) It will hold non-party tickets to the same standards of faithfulness as political party tickets;

(4) It will ensure just one mechanism to fill vacancies among the presidential electors on elector balloting day instead of creating a duplicate one; and

(5) It will ensure that state law enables Oregon's electors to fulfill all of the necessary requirements that are expected of them by federal law.

This sponsor's amendment would allow SB 1509 to successfully achieve its overall purpose, which is to create a process for presidential electors which guarantees that Oregon never has to worry about faithless electoral votes.

By taking up this bill with the sponsor's amendment this week, you all are doing something special. You are taking serious, constructive action on a bipartisan basis to shore up one of the foundational pillars of our electoral democracy.

South Dakota just passed a similar bill through its Senate, and other bills that either establish or improve the procedures for guarding against faithless electors have also been making progress since the start of 2026 in Alabama, Arizona, Colorado, Maryland, Massachusetts, and Oklahoma.

At the end of the day, this bill is not about partisan advantage. It's about principle.

It will reinforce the integrity of Oregon's election system, uphold the will of all Oregon voters, align Oregon with best practices in place across two dozen states, and better protect the volunteers who serve as Oregon's presidential electors.

Thank you for your consideration. I look forward to any questions you may have.

For more information, contact:

David A. Weinberg

Policy Strategist

david.weinberg@protectdemocracy.org

ABOUT US

Protect Democracy United is a nonpartisan, nonprofit group working to prevent American democracy from declining into a more authoritarian form of government.