

**REVENUE:** No revenue impact

**FISCAL:** Minimal fiscal impact, no statement issued

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	6 - 2 - 0
<b>Yeas:</b>	Berger, Edwards C., Garrard, Gelser, Read, Roblan
<b>Nays:</b>	Jenson, Nolan
<b>Exc.:</b>	0
<b>Prepared By:</b>	Jerry Watson, Administrator
<b>Meeting Dates:</b>	5/27, 6/23, 6/24

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**WHAT THE MEASURE DOES:** Allows a voter to participate in more than one nominating process for each partisan public office to be filled at the general election. Allows the names of up to three political parties that have nominated a candidate for election to appear opposite the name of the candidate on the ballot. Requires Secretary of State to conduct a general review of the adoption of a cross-nomination system for candidates for public office in Oregon and to report to the Legislative Assembly no later than October 1, 2010.

**ISSUES DISCUSSED:**

- Consequences of House Bill 2614 (2005) and effect on Oregon's 430,000 nonaffiliated voters
- Restoring voting rights of Oregonians
- Impact of voting in primary on any measure
- Provisions of proposed amendment

**EFFECT OF COMMITTEE AMENDMENT:** Amends ORS 254.135 to allow names of up to three political parties that have nominated a candidate for election to be added opposite name of candidate. Specifies that when candidate is nominated by the party to which the candidate belongs and one or more other parties, the name of candidate's party and up to two other parties selected by candidate shall be listed. Requires Secretary of State to conduct a general review of the adoption of a cross-nomination system for candidates for public office in Oregon and to report to the Legislative Assembly not later than October 1, 2010.

**BACKGROUND:** ORS 254.069 was enacted into law with the passage of House Bill 2614 (2005) to resolve statutory ambiguity in situations where a voter participates in a minor and a major party nominating process. It does so by prohibiting a voter from participating in a primary election for a major political party and participating in the designated nomination process for an unaffiliated or minor political party candidate. A voter cannot return a primary election ballot and also participate in the nomination process for a minor party candidate, as defined by ORS 248.009, by signing the minutes at a minor party convention or by signing a certificate of nomination. If a filing officer determines during the certification process, beginning 15 days after the primary election, that a voter has participated in more than one nominating process by signing a minor party's nomination petition and returning a primary ballot, the signature cannot be counted toward satisfying the parties nomination requirement (Oregon Administrative Rule 165-010-0070(3)). The signature is invalidated, without consideration of when each nominating act occurred or if the voter had completed his or her primary ballot for the office in question. Senate Bill 326 as amended would repeal ORS 254.069.

State law currently allows the name of only one party to appear opposite the name of a candidate for public office. House Bill 326 as amended allows the name of up to two additional parties to appear opposite the candidate's name. Nomination by multiple parties was previously allowed in Oregon. In *Timmons v. Twin Cities Area New Party* (1997), the U.S. Supreme Court upheld a Minnesota law prohibiting nominations by more than one party against a constitutional challenge based on the rights of association under the 1<sup>st</sup> and 14<sup>th</sup> Amendments. *Timmons* did not prohibit multiple party nominations, which are currently used in a number of states. Litigation concerning Oregon's existing prohibition on multiple party designations on ballots is presently before the Oregon Court of Appeals.

6/24/2009 11:07:00 AM

***This summary has not been adopted or officially endorsed by action of the committee.***