

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	5 - 0 - 0
Yeas:	Atkinson, Burdick, Ferrioli, Metsger, Devlin
Nays:	-
Exc.:	-
Prepared By:	Erin Seiler, Administrator
Meeting Dates:	3/31, 5/8

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.

ISSUES DISCUSSED:

- Provisions of House Bill 2614 (2005)
- 2004 Presidential Election
- Ballot accessibility for unaffiliated/minor party candidates
- Expense of campaigns
- Disenfranchisement of independent voters in Oregon

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: House Bill 2614 (2005) was passed to resolve statutory ambiguity in situations when a voter participates in a minor and a major party nominating process. The statutory prohibition against a voter participating in more than one nominating process for each partisan office follows the principle of “one person, one vote” as identified in the United States Supreme Court decision *Reynolds vs. Sims* (1964).

ORS 254.069 prohibits 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. Administrative rules promulgated by the Secretary of State, pursuant to House Bill 2614, determined the return of a primary ballot is the voters’ primary act of participation in a primary election. 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 would repeal the 2005 measure and allow a voter to participate in the nomination process for a minor party candidate and cast a primary election ballot.