

LEW FREDERICK
STATE REPRESENTATIVE
HOUSE DISTRICT 43
NORTH/NORTHEAST PORTLAND



HOUSE OF REPRESENTATIVES

Memorandum

Date: February 21, 2014
From: Representative Lew Frederick
Subject: HB 4054

I have several comments regarding this bill, and a proposed amendment that replaces the bill, that I just became aware of.

First, the original bill:

Most of the introduced bill is pretty straightforward, but I have some questions.

On page 5, lines 9 – 11, there is a provision for “a candidate nominated for more than one district office that is to be filled at the same election” to be “printed upon the ballot for each district office for which the candidate is nominated.” What are the circumstances under which a candidate may run for more than one “district office” at a time?

My second concern with the introduced bill is more serious. On page 7, line 3 – 4, the prohibition against showing one’s marked ballot to another person to show how it was marked is repealed. I believe the urge to repeal this comes from people who proudly posted pictures of their ballots on Facebook, only to be told that doing so was illegal. However, the law is not a frivolous one. It is a common election law provision that came to be because showing one’s ballot to another person to reveal how it was marked was part of the process when votes were bought and sold. This law outlawed providing proof of a particular vote in order to obtain payment. I think there should be thorough consideration before repealing this basic piece of election law.

Now to the amendment:

I am outraged to see something as radical as this proposed as a rushed gut-and-stuff amendment. The process described eliminates the primary as a nominating mechanism.

Even as a “top two” system, the detail that in this scheme a voter may vote for as many candidates as they wish to advance to the top two is questionable in terms of mathematical validity of the results.

Finally, the “findings” are questionable. The statement, “Thirty percent of Oregon’s voters are completely shut out of the taxpayer-funded primary process,” is false. Registration is part of that process, and registration is indeed open to all. Voters are only shut out of the process by their free choice at the registration stage. Claims of “disenfranchisement” are frankly offensive in the context of the history of actual disenfranchisement, when certain groups were prevented from registering or voting at all.

Choosing not to participate, for whatever reason, is not disenfranchisement. What we currently have is a three-step election process: registration, nomination, and election.

This replaces these three steps with two steps, and introduces significantly novel procedures. Our elections are too important for experimentation without thorough supporting research.

The proponents of these schemes always start with something like, "Our electoral system is broken." They don't, however, make a clear connection between what they believe to be broken about it and the solution they propose. Even if they did, we would have to develop some kind of consensus regarding the diagnosis in order to support consensus regarding the treatment. I am not convinced that the biggest problems with our elections are inherent in the election process itself; in fact, Oregon's election process is among the best in the country. I am not convinced that this doesn't introduce a whole new set of problems without actually making anything better. Please do not advance this scheme in a rushed, late-session amendment.