

REVENUE: No revenue impact
FISCAL: May have fiscal impact, statement not yet issued
SUBSEQUENT REFERRAL TO:

Action:

Vote:

Yeas:

Nays:

Exc.:

Prepared By: Erin Seiler, Administrator

Meeting Dates: 4/8

WHAT THE MEASURE DOES: Provides primary ballot of all major parties to nonaffiliated voters (NAV). Permits NAV to vote in primary election of major political party by submitting form stating elector's intent to become affiliated with party and by returning form with completed primary ballot. Becomes operative January 1, 2016. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT:

BACKGROUND: Primary elections are one means by which a political party nominates candidates for an upcoming general election or by-election. In Oregon candidates for the general election are chosen through a *semi-closed* primary in which nonaffiliated voters (NAV) may be invited to participate in the selection of political parties candidates. In recent years, Republicans have allowed NAV voters to cast primary ballots in the 1990, 1992 and 2012 campaigns, and Democrats permitted it in 1998 and 2000.

Current statute, ORS 254.365, allows major political parties to decide whether to let NAV vote in their party primary elections. Under ORS 254.365 (3), the party must notify the Secretary of State not later than the 90th day prior to the primary election if it wants to allow NAV to vote in the party's primary election. Current statute was drafted so that major political parties have the choice of allowing NAV to participate. It does not require the parties to accept NAV. The law was written in this manner in deference to United States Supreme Court decisions stating that members of political parties have certain rights under the First and Fourteenth Amendments to the United States Constitution to decide how to organize and with whom to associate. The Court has said that a political party's determination of the boundaries of its own association and of the structure that best allows it to pursue its political goals is protected under the United States Constitution.

House Bill 3500 would establish a semi-open primary system. The measure would require county election officials to mail to each NAV the primary ballot for all major political parties, permitting a voter to decide if they want to vote and return one of the primary ballots, and in doing so, giving the county election officer permission to register them as a member of a major political party.

4/8/2015 1:34:00 AM *

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

