

IPO TESTIMONY ON HB 3287

April 15, 2015

Chair Hoyle, Members of the Committee,

HB 3287

Relating to primary elections of major political parties

HB 3287 is an attempt to bring ORS 249.046, which is the Oregon statute that establishes qualifications to run for public office as a candidate of a major political party, into greater harmony with Article I, Section 8 and Article IV, Section 8 of the Oregon Constitution and with the First Amendment of the US Constitution.

As currently drafted, ORS 249.046 requires candidates to be a member of a major political party for 180 days before the primary election deadline in order to appear as a candidate of that political party on the May Primary ballot.

- **The statute is overbroad.** There is no compelling state interest met by the statute that could not be accomplished by a law that is more narrowly tailored.
- **The statute is applied arbitrarily** (i.e., it applies only to major political parties and not to minor political parties). It creates an undue burden on a newer, smaller, party like ours, which has not had decades to build a stable of candidates.
- The statute, as specifically applied to the Independent Party of Oregon, appears to be contrary to associational rights between the party and its nominees that have been exercised across 5 election cycles involving more than 150 candidates, including several members of this committee.
- The statute applies burdens on running for public office that go beyond those contained in Article IV, Section 8 of the Oregon Constitution.

HB 3287 fixes the constitutional questions invited by ORS 249.046 by enumerating some basic rights that should be reserved to political parties rather than to the state.



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- It allows political parties to establish their own rules for whether a candidate **must** be a member of a political party in order to seek that party's nomination and appear on the May Primary ballot. Currently, in order to appear on a major party's May Primary ballot, a candidate must be a member for at least 180 days prior to the May filing deadline.
- It allows political parties to establish their own rules on whether to allow non-members to win the party's write-in.
- It allows political parties to establish their own rules to determine whether a minimum number of write-ins are needed in order to win

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the party's nomination.

There is no compelling state interest served in establishing party membership requirements that go beyond requirements adopted by the parties themselves.

We believe that a legislative solution during the current legislative session is preferable to a legal challenge, since the timetable of a legal challenge may cause uncertainty with regard to the administration of the 2016 election. A legislative solution that provides greater certainty to political parties and their candidates should be considered.