

May 20, 2015



Statement on HB 3500 -1 Amendment by Independent Party of Oregon

The HB 3500 -1 Amendment was posted on OLIS yesterday. It calls for a Task force on Expanding Access to More Voters in Primary Elections and specifies the interests to be represented by each of 13 members: The Secretary of State (or designee) plus 6 appointed by the President of the Senate and 6 appointed by the Speaker of the House.

While the interests of the Democratic and Republican parties are specifically to be represented by at least 4 appointees ("the majority party" and "the minority party" in each chamber), and while the interests of minor parties are to be represented by 2 appointees, there is no specific representation for Independent Party of Oregon (IPO).

In addition to the 4 appointees specifically to represent the interests of the Democratic and Republican parties, the -1 Amendment calls for 2 appointees "to represent the interests of major political parties in Oregon." The interests of the IPO on the subject of primary elections are far different from those of the Democratic and Republican parties. This is illustrated by the attached testimony submitted earlier on HB 3287. IPO is also in a much different situation than the long-established major parties. But the -1 Amendment could well result in a Task Force on which IPO will have no meaningful representation.

We suggest that the -1 Amendment be amended to require that at least one member of the Task Force represent the interests of the IPO and not the interests of the "major parties" generically.

Sincerely,

Daniel Meek
Co-Chair, Independent Party of Oregon

Testimony of Dan Meek on HB 3287:

permits major political parties to establish membership duration requirements for primary candidates

before the House Committee on Rules
April 15, 2015



The Independent Party of Oregon (IPO) supports HB 3287 and would support it more with a technical amendment.

IPO is Oregon's third major party, its membership having exceeded the threshold for major party status (5% of the total of all Oregon registered voters at the time of the November 2014 general election). IPO currently has 109,378 registered members. The threshold for 2016 major party status is 108,739 members. The final determination on major party status is to be made by the Secretary of State by August 16, 2015.

HB 3287 would enable the IPO 2016 primary election to offer a larger number of candidates to voters. Last week the IPO adopted a rule allowing all NAVs to vote in its 2016 primary election. But IPO members and NAVs may see a limited number of candidates on that IPO ballot, without adoption of HB 3287.

Current statutes impose requirements on major party primaries that will impede IPO in its formative years as a major party. HB 3287 would reduce or remove those requirements.

1. Current statutes restrict candidates in major party primary to persons who have been members of the party for 180 days prior to the filing deadline (effectively 250 days before the primary election) (ORS 249.046).

Under existing law, no one can run as a candidate in any major party primary who has not, at that time, been a member of that major party for all of the previous 250 days (180 days before the candidate filing last date). Thus, the deadline for a potential candidate to become an IPO member is September 10, 2015--which may be a mere 25 days after IPO is finally determined by the Secretary of State to be a major party for the 2016 elections.

While an 8-month pre-primary party membership duration requirement is no problem for long-established major parties, which have stables of potential candidates, it will be a large barrier to participation by political novices or others interested in earning the nomination of a new major party. Many of them will not be planning to run for office more than 8

months in advance of the primary election. And others will be unaware of the 250-day party membership requirement in existing law.

HB 3287 solves this problem by allowing each major party to adopt a rule establishing the pre-primary party membership duration requirement. The Democratic and Republican parties may wish to keep the current 250-day requirement. But IPO would significantly reduce that requirement, so that it precludes fewer potential candidates from running in IPO primary elections.

2. Current statutes allow anyone, including non-members, to win a major party primary by write-in of only a few votes.

Due in part to the above restriction, many partisan offices on the IPO 2016 primary ballot will likely offer no filed candidates. The ballot will show those contests but offer only the opportunity for write-in votes.

The law requiring party membership for a candidate does not apply to write-in candidates. Thus, most of the IPO nominations for the 2016 election cycle may well be won by write-in candidates, most of whom could have no connection with IPO, and each receiving a small handful of votes.

HB 3287 solves this problem by restricting write-in winners to those who:

- (1) are eligible to receive the nomination of the major party under its party membership duration rule; and
- (2) earn a party-specified portion of votes sufficient to indicate a meaningful level of support from those voting in the party primary.

Legislative Counsel has drafted a technical amendment that would allow the major party to require a write-in winner to have received votes at least equal to a specified minimum percentage of the total number of electors eligible to vote in that contest (rather than a "minimum percentage of the total votes cast," which is ambiguous).

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TESTIMONY ON HB 3287

Date: April 14th, 2015
To: House Rules Committee

Dear Chair Hoyle and Members of The Committee,

My name is Robert Harris and I'm a Hillsboro business owner, attorney and senior policy advisor to the Independent Party of Oregon (IPO). I speak in support of HB 3287 as an Independent voter and election reformer and ask that this written testimony be made a part of the Legislative record.

HB 3287 is an important step in opening up the primary process to more candidates and thus voters. It improves the process by making elections more competitive and attracting more voters. Without this change, the IPO will be hard pressed to recruit enough talented candidates to run many competitive races in the 2016 election and non affiliated voters whom the IPO seeks to empower in the May 2016 primary will again be short changed.

I closely followed the Measure 90 (Top Two primary) election last November. It was notable that while people disagreed whether a top two primary was a good or bad idea, everyone was concerned about the growing number of people who were being excluded from the election process. While one can argue that that exclusion is self selecting, the reality is, over 50% of new voters are opting to not join the Democratic or Republican Parties.

In response to that concern, Rep. Hoyle sponsored HB 3500, allowing non affiliated voters the opportunity to register as a major party member concurrently with returning a major party primary election ballot. I understand that concept is going continue to be studied by a work group going forward and I support that. In the meantime, HB 3287 is a crucial factor in expanding participation in the 2016 primary election. Here's how.

There have been two important developments recently for NAVs. First, the Independent Party of Oregon reached major party status in February, 2015. Second, The Independent Party last week voted to open up its primary election to NAV voters.

NAVs will now have the opportunity to participate in the May partisan IPO primary elections, if they want to. The problem is under current law the IPO faces stiff restrictions as to who it may qualify as its candidates. And with few candidates, NAVs may choose not to participate in the IPO open primary. HB 3287 addresses that problem. Without this change IPO primary could have over 650,000 eligible voters, but few candidates. Thus discouraging participation by NAVs.

And, there is simply no logic behind a State mandated requirement for party

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April 14th, 2015

Letter to House Rules Committee

candidates to have membership duration requirements. While fear of a party switching candidate hijacking a nomination is real, it's an issue that can and should be resolved by the parties by rule adopted by the party itself. If the Democratic or Republican Party opts to keep the current candidate requirements, it can do so. As many anti Measure 90 people argued, candidates should be selected by the parties. If that is so, then shouldn't candidate criteria should also be set by the parties, not the State Legislature?


Many of you recognize the threat to confidence in government when more people don't, or can't, participate in elections. Rep. Hoyle started a good discussion with HB 3500 and her commitment to continue that discussion. Now, because of the IPO's new major party status and its decision to open up its primary to NAVs, adopting HB 3287 would mark a significant step towards recognizing the rights of non affiliated voters to participate in elections. But without candidates, elections are a moot point. Passing HB 3287 is a significant step forward for election reform. And, importantly, it would prove that our Legislators are serious about empowering independent voters.

Here is the key question. What really is the point of the 250 day law that can't be achieved through party rule? Especially as there is no similar concern about write in candidates, where under current law a non party member can win a party nomination with a handful of write in votes.

Then ask yourself whether allowing the parties to set their own candidate qualification rules and getting more candidates and voters involved in a more robust primary election is good for Democracy, a good way to rebuild faith in government and good for Oregonians and Oregon.

I'm asking you to support HB3287, empower the political parties to set police their own candidates, and give us the tools necessary to give non affiliated voters some choices in 2016. Allow the IPO the time necessary to recruit good candidates to run for public office. It's good for Oregon.

Thank you for your time and consideration.



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