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# MEMORANDUM

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**To:** General Government Subcommittee

**From:** Steve Bender, Legislative Fiscal Office  
(503) 986-1836

**Date:** June 17, 2015

**Subject:** HB 3500-A  
Work Session Recommendations

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HB 3500-A relates to elector affiliation with political parties. The bill, fiscal impact statement and the House Committee on Rules staff measure summary are available on the Oregon Legislative Information System (OLIS), and are also attached to this memo.

The bill establishes the Task Force on Expanding Access to More Voters in Primary Elections. The Task Force consists of seventeen members, and is charged with analyzing and determining the best method or methods to expand access to more electors in primary elections. The Task Force is directed to submit its report no later than December 31, 2015, and the Task Force itself sunsets on December 31, 2016.

The Task Force will be staffed by Committee Services. It will include at least four legislators who are entitled to per diem and travel reimbursement. Non-legislator Task Force members are entitled to receive reimbursement for travel and for other costs associated with their participation. These expenses will be paid by the Legislative Assembly. The Legislative Assembly budget included funds allocated for interim committee and task force work. If the cumulative cost impact of operating interim committees and task forces exceeds expenditure levels beyond those assumed in the 2015-17 budget, additional General Fund resources may be required.

## **Amendments**

No amendments.

## **HB 3500 Subcommittee Action:**

***Motion:*** Move HB 3500-A, to the Full Committee with a Do Pass recommendation.

**Assignment of Carriers:**

***Full Committee:*** \_\_\_\_\_

***House Floor:*** \_\_\_\_\_

***Senate Floor:*** \_\_\_\_\_

**FISCAL IMPACT OF PROPOSED LEGISLATION**

**Measure: HB 3500 - A**

Seventy-Eighth Oregon Legislative Assembly – 2015 Regular Session  
Legislative Fiscal Office

***Only Impacts on Original or Engrossed  
Versions are Considered Official***

Prepared by: Kim To  
Reviewed by: Daron Hill, Steve Bender  
Date: 5/26/2015

**Measure Description:**

Establishes the Task Force on Expanding Access to More Voters in Primary Elections.

**Government Unit(s) Affected:**

Legislative Assembly, Legislative Administration Committee (LAC), Secretary of State, Oregon  
Association of County Clerks

**Local Government Mandate:**

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

**Analysis:**

House Bill 3500 establishes the 17-member Task Force on Expanding Access to More Voters in Primary Elections charged with conducting an analysis to determine the best method for establishing open primary elections in Oregon. The task force is required to submit a report to an interim legislative committee by December 31, 2015. The task force sunsets on December 31, 2016. The bill contains an emergency clause and takes effect on passage.

Legislative Assembly

At least four members of the task force will be legislative members who are entitled to per diem and travel reimbursement. Although the 2015-17 Legislative Branch budget contains funds allocated for interim committee and task force, if the work required by this task force, or if the cumulative enactment of other legislation with interim committees and task forces exceeds expenditure levels beyond those assumed in the 2015-17 budget, additional General Fund resources may be required.

Legislative Administration Committee

Committee Services is directed to provide staff support to the task force, and to reimburse non-legislative members of the task force. Although the 2015-17 Legislative Branch budget contains funds allocated for interim committee and task force, if the work required by this task force, or if the cumulative enactment of other legislation with interim committees and task forces exceeds expenditure levels beyond those assumed in the 2015-17 budget, additional General Fund resources may be required.

Secretary of State, Oregon Association of County Clerks

The Secretary of State and the Oregon Association of County Clerks are required to appoint representatives to serve as members of the task force. This fiscal assumes that participation on the task force will have minimal impact on these entities. Each of these organizations will reprioritize duties and responsibilities of existing staff to allow participation on the task force.

## STAFF MEASURE SUMMARY

## House Committee On Rules

**Fiscal:** Fiscal impact issued**Revenue:** No Revenue Impact**Action Date:** 05/21/15**Action:** Do Pass As Amended, Be Printed Engrossed, And Bill Be Referred To Ways And Means.**Meeting Dates:** 04/08, 05/21**Vote:**

Yeas: 6 - Barnhart, Gilliam, Hoyle, Nosse, Rayfield, Smith Warner

Nays: 1 - Wilson

Exc: 2 - Kennemer, McLane

**Prepared By:** Erin Seiler, Committee Administrator

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**WHAT THE MEASURE DOES:**

Establishes 17-member Task Force on Expanding Access to More Voters in Primary Elections (Task Force) to conduct analysis and determine best method or methods to expand access to more electors in primary elections in Oregon. Specifies membership to be appointed by Speaker of the House, Senate President, House Minority and Senate Minority Leaders. Task Force is to report to interim committees of legislature related to rule by December 31, 2015. Committee Services Office is charged with providing staff support. Task Force sunsets December 31, 2016.

**ISSUES DISCUSSED:**

- Improving voter participation specifically nonaffiliated voters (NAV) participation
- Removing barriers to voting
- Different methods for establishing open primaries
- Reasons for and against major parties opening primary elections
- Financial impact to counties
- Constitutionality of open primaries
- Major political party candidate selection process
- Requiring NAV voter to register with major political party to vote in primary
- Methods for registering NAV for purposes of open primary process

**EFFECT OF COMMITTEE AMENDMENT:**

Replaces original measure.

**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-A establishes a 17-member Task Force on Expanding Access to More Voters in Primary Elections (Task Force) to conduct an analysis and determine the best method or methods to expand access to more electors in primary elections in Oregon. The Task Force will be able to consider ways to engage all voters, in particular voters not affiliated with a major political party, in the primary election process, while maintaining the ability of a major political party to determine its own association boundaries and structure, and accounting for the costs to counties who are responsible for administrating elections.