

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**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.