

March 8, 2017

The Honorable Jennifer Williamson, Chair  
The Honorable Mike McClane, Vice-Chair  
The Honorable Dan Rayfield, Vice-Chair  
House Rules Committee  
Oregon State Legislature  
900 Court St. NE  
Room H-295  
Salem, Oregon 97301

**Re: HB 2359 - filing deadlines for candidates for state office**

Dear Chair Williamson, Vice-Chairs McClane and Rayfield, and Members of the Committee:

Thank you for this opportunity to submit this brief written testimony in support of HB 2359, an important bill that would will give an extra three days for a candidate for state office to file if an incumbent withdraws after the filing deadline. I completely support the concept behind this legislation, although I think it could be further strengthened by providing a longer window than three days, based on my direct experience with this matter as mayor of Klamath Falls last year.

Last March, just minutes before the filing deadline, former Klamath County Commissioner Dennis Linthicum filed for the Senate seat and businessman Eric "Werner" Reschke filed for the House seat. The next day, Senator Doug Whitsett announced his decision to not run for another term as state senator. Mr. Whitsett's wife, Gail Whitsett, a state representative, also pulled out that same day.

That effectively handed their seats to two hand-picked Republicans who filed at the last minute to run for the seats. This backroom maneuver took away the opportunity for the rest of the Republicans in their districts to find two candidates who could best represent them in Salem.

In the hectic days that followed the discovery of this maneuver, I helped organize several meetings with community leaders in Klamath Falls, desperately trying to find some consensus around supporting potential candidates in a challenging write-in primary campaign, which we knew going in, would have less than a 5% chance of success. The level of turmoil, anger and sense of loss recourse generated by this maneuver was an experience I do not want to re-live. Ultimately, our community rallied around two local Republicans who received enough write-in votes from Democrats and Independents in the primary to represent those parties in the November general election.

In essence, the maneuver orchestrated by the Whitsetts forced other qualified Republican candidates to run on the Democrat and Independent tickets...as Republicans. Unfortunately, in the Whitsetts' districts, winning the Republican nomination makes winning the general election a

near-sure thing, which is why Dennis Linthicum and E. Werner Reschke now represent our community in Salem.

Looking back, it is clear to me that the Whitsetts picked their successors. That's why HB 2359 is such an excellent concept; it ensures that voters decide elections – not candidates. It provides that if incumbent candidate for state office files nominating petition or declaration of candidacy and then withdraws petition or declaration, other candidates may file for office not later than 70 days before date of primary, or three business days after date of incumbent's withdrawal, whichever is later. It would then extend the deadline for filing the voters' pamphlet portrait and statement to match the candidacy deadline. I can tell you from personal experience that three days is not enough time to find qualified and interested candidates to file. I strongly urge that you consider providing a 14-day filing window, instead.

Thank you again for this opportunity to provide this testimony to you today.

Sincerely,

Todd Kellstrom  
Mayor of Klamath Falls, Oregon  
1993 - 2016