Submitter:	Michael Newman
On Behalf Of:	
Committee:	House Committee On Rules
Measure, Appointment or Topic:	HB3166

Representative Bowman and Members of the House Committee on Rules:

Thank you for holding a public hearing concerning HB 3166. I am very gratified that this Committee is considering this important bill.

The Oregon Constitution says, in Article II section 1, “All elections shall be free and equal.” Currently, over 40% of Oregon’s registered voters are not affiliated with one of the major political parties. These voters are therefore not allowed to vote in the primary elections that determine which candidates for important offices will appear on the general election ballot. Currently, Oregon’s primary elections are not “free and equal.”

HB 3166 squarely addresses this issue. Section 4 of this bill grants “all electors” the opportunity to vote for any candidate regardless of the elector’s or the candidate’s party affiliation, and it requires that “all candidates” appear on the same ballot regardless of their party affiliation. This is the heart of the bill.

As an elected Oregon Circuit Court Judge for Josephine County, now retired, I strongly feel that Oregon’s system of government will be made all the stronger by allowing all voters the opportunity to select the candidates who will represent them — including the governor, the secretary of state, the attorney general, the US senators and representatives, and yes, their state legislators.

As a member of the statewide organization All Oregon Votes, I note that Section 4’s opening up primary elections to all voters who may choose among all candidates directly furthers our mission. All Oregon Votes supports this important reform.

While Section 4 is the central focus, I do not agree with another provision of the bill: that the top five candidates would advance to the general election (Sec 4(2)) and the winner decided by some form of instant runoff procedure to be determined by the Secretary of State by administrative order (Sec 40). As we’ve seen most recently in the 2024 general election, ranked choice voting is not favored by the voters. This will doom the legislation despite the important reform created by Section 4. The proposed amendment by HB 3166-2 would change this to top-two instead of top-five. This is an important improvement.

I have two other concerns about HB 3166 and any proposed amendments:

First, I emphasize that all candidates, including major party candidates, minor

party candidates, and others who seek to run for voter choice offices, need to be on the primary ballot. The general election must be reserved for those candidates who are selected in the primary.

Second, there should be a significant hurdle to cross in order to be listed on the primary ballot. Section 13 of the bill continues the current law's low filing fees (including only $100 for governor and other statewide offices). If the hurdle is too low, then the primary ballot could look like the City of Portland's ballot for its recent city council election — too long and quite daunting. The filing fee should be higher. The bill's inclusion of the alternative of submitting a nominating petition (sections 13 and 15) is good, but the required number of signatures may be too high of a hurdle. A reduced number should be considered in light of the difficulty of collecting signatures.

I urge the Committee on Rules to approve HB 3166 as amended by HB 3166-2, and to forward the bill to the Joint Ways and Means Committee for further consideration.

Again, thank you for your consideration of HB 3166.

Michael Newman
Circuit Court Judge, retired