Testimony of Max Williams in Support of HB 3166 and the -2 Amendments
Oregon House Rules Committee
March 19, 2025

Chair Bowman, Vice Chairs Drazen and Pham, and Members of the Committee,

My name is Max Williams. I offer this written testimony in support of HB 3166 -2 amendments. I am an attorney and a former Republican member of the House of Representatives (1998-2004) representing East Washington County. I served two Governors, both democrats, (Kulongoski and Kitzhaber) as the Director of the Oregon Department of Corrections (2004-2012). After that I was the President/CEO of the Oregon Community Foundation (2012-2021), the state's largest public charitable organization.

Most recently I was part of a bipartisan coalition that worked with communities and the legislature to forge a compromise reform of Ballot Measure 110. That experience reinforced my belief that Oregon needs more leaders who are accountable to a broad range of voters, not just the most partisan voices in our politics. That is why I strongly support HB 3166 -2 amendments to move Oregon toward an open primary system.

I've spent most of my career working across the political spectrum to address the big challenges facing Oregon. I wish I could say I had more to show for those efforts. Part of the challenge, I believe, lies in the way that a significant portion of Oregon's electorate are excluded from the primary election process. Today, in Oregon, there are more registered non-affiliated voters (NAVS) (43%) than there are registered Republicans (25%) or Democrats (33%). Yet, this largest population of voters are completely excluded from participating in the very elections that most often determine the outcome of the race. Closed primaries, Oregon's motor-voter laws, and hyper-partisan redistricting have taken us to a point where most races are actually decided by a small minority of voters in the primary. In the 2024 primary cycle partisan races for the legislature were often decided by small numbers (less than18%) of the eligible voters in that legislative district. Once having secured the primary, the general election outcome was in most cases a *fait accompli*.

Oregon has been a leader in promoting democracy and increasing voter engagement. Our early adoption of vote-by-mail and our motor-voter registration are two examples. More recently, the legislature adopted significant campaign finance reform (HB 4024 – 2024), all to improve election fairness, increase access to the process, and to reduce the impact of well-funded narrow interest groups from controlling election outcomes. Yet, as to open primary elections, Oregon remains incredibly provincial. All three of these "democracy" expanding innovations, will, without reform of the primary system, result in narrow and hyper-partisan influences continuing to control the outcome of the state's most important elective offices.

Right now, 1.3 million nonaffiliated voters—Oregonians who pay taxes, serve in our communities, and deserve a voice—are shut out of the most consequential phase of our

elections. That's not just unfair; it's bad for democracy. Open primaries would ensure that all voters, regardless of party, have a say in choosing their leaders. This reform isn't about giving one party an advantage over another—it's about electing leaders who represent broader constituencies and are more willing to govern in the center, where most Oregonians are.

We've all witnessed firsthand how partisan gridlock can stall real solutions. But we've also seen what happens when leaders work together. My role in helping craft a bipartisan path forward on Measure 110 showed me that Oregonians expect collaboration, not political warfare. When we elect leaders who must appeal to a broader cross-section of the electorate—not just party activists—we get more pragmatic policymaking and better outcomes for the people we serve.

HB 3166 -2 amendments are a step toward ensuring Oregon's elections reflect the will of all Oregon voters. Open primaries won't solve every problem in our politics, but they will create a system that incentivizes coalition-building, accountability, and leadership that prioritizes problem-solving over partisanship.

I urge you to support the HB 3166 -2 amendments.

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