Testimony Regarding HB 3166

Before the House Rules Committee

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I write in support of HB 3166 -2

I have practiced law for almost 40 years here in Oregon, and been an active election reform advocate for the past 15 years. I helped draft what became HB 3166. I've also ran twice for elective office. The first time was 25 years ago for open judicial seat, which I lost. Then in 2024 I ran for Hillsboro City Council and won. Today I come to you as not just an advocate for a healthy democracy but as someone who now better understands the difficulties of standing for election as a candidate and how the election process works. And not just the technical election process, but the work of a campaign.

I also come as a concerned citizen who believes that Oregon has a democracy problem. We have an election process that may have worked well for many decades, but hasn't worked well in recent years. The core election Problem we have today is - 43% of our citizens are forced to either join a private political organization that they don't want to join, or not be able to participate in elections that determine over 85% of our legislative seats. Quite a Sophies choice. But HB 3166 mitigates this very troubling problem.

First I want to point out that most of the structures of Oregon election law when viewed in isolation are rational. But if you believe as I do that a democracy is healthy only when most people vote, and – most importantly - voters feel empowered, then when you view the system as a whole Oregon indeed has a democracy problem.

Math and Safe Seats

Others have told you about the growing number of non Republican/Democratic voters. I'd like to quickly run through the math.

In a solid Democratic or Republican District, only 30%-50% of voters are members of the dominant party. In Multnomah County, where Portland is located and considered the safest and strongest Democratic district in the state, only 50% of the voters are members of the

Democratic party. In Washington county, known as a solid Democratic District that hasn't elected a Republican in years, only 30% of the voters are Democrats.

That means around 30%-50% of the voters are electing more than 85% of our Legislature. In fact since it only takes 50% to win a primary race one could argue that 15%-25% of voters control our State Legislature.

Disempowerment. No stake. Apathetic

But more importantly 43% of Oregon voters don't even have a chance to cast a vote - even a losing vote- in our partisan primaries. They feel ignored and left out. They have no ownership stake in the election outcomes and become apathetic to Oregon issues. That's a democracy problem.

Not your Parents Top Two Primary

Oregon voters have rejected the Top Two open primary concept twice for various reasons. Including, It locks in a Democratic/Republican dominance and locks out minor parties from the general election ballot. You could end up with two Republicans or Two Democrats on the November ballot. It Doesn't respect the right of political parties to choose their own candidates.

HB 3166 is a new and innovative proposal that addresses issues related to other Top Two primary proposals. Drafters of the bill started with some core values.

- All voters get to vote in the elections that actually determine their representatives
- Pay close attention to what reforms voters have previously rejected. From Oregon and even from other states.
- Preserve major party rights. All political parties retain the right to the use of their party name and the right to endorse candidates
- Access to the General election ballot for minor parties is preserved

Conclusion. Broaden Support for our Democracy.

Technology, independent expenditures, data informed gerrymandering, and even well meaning changes that have unintended consequences - such as motor voter registration paired with a closed primary - have imperiled our democracy by reducing voter participation in our most important state legislative elections. HB 3166 will build a stronger democracy by empowering more voters and create growing faith in our elected officials.

Regards

Rob Harris