



March 19, 2025

TO: Members of the House Committee on Rules

FR: Preston Mann, Oregon Business & Industry

RE: Regarding HB 3166 -2

Chair Bowman, Vice-Chairs Drazan and Pham, and members of the House Committee on Rules: For the record, I am Preston Mann, Political Director for Oregon Business & Industry (OBI).

OBI is a statewide association representing businesses from a wide variety of industries and from each of Oregon's 36 counties. In addition to being the statewide chamber of commerce, OBI is the state affiliate for the National Association of Manufacturers and the National Retail Federation. Our 1,600 member companies, more than 70% of which are small businesses, employ more than 250,000 Oregonians. Oregon's private sector businesses help drive a healthy, prosperous economy for the benefit of everyone.

Thank you for the opportunity to testify on HB 3166 and the -2 amendment. OBI supports efforts to expand voter participation, provided that any changes lead to fairer and more competitive elections. More specifically, we believe the current closed-primary system unfairly disenfranchises the more than one million Oregonians who identify as non-affiliated voters. While OBI is neutral on HB 3166 -2, this should not be misconstrued as a lack of enthusiasm for opening Oregon's primaries. Below, I will outline the key reasons we could not support the specific language before you today.

Increased Party Control Over Elections

One of the primary criticisms of the existing system is that political parties have too much control over the process. Unfortunately, HB 3166 -2 risks exacerbating this problem by elevating the importance of political party endorsements. Under the -2 amendment, parties would be empowered to endorse candidates, and endorsed candidates would be allowed to display those endorsements on the ballot. This raises several concerns:

- Party officers and leaders - who often hold more extreme views than rank-and-file party members - would wield significant influence over endorsement decisions.
- Political experts widely agree that the strongest predictor of voter behavior is party affiliation. Voters tend to support candidates from their registered party, meaning endorsements could carry disproportionate weight.
- It is extremely likely that voters would misinterpret a ballot that listed a candidate (or candidates) as "Endorsed by the Democratic Party of Oregon" to mean that the candidate(s) is the only Democrat in the race-even if multiple registered Democrats are running. Additionally, the current proposal does not allow a registered Democrat to identify as such on the ballot unless they receive the party's endorsement.
- Further, it injects an element of undemocratic political strategy into our elections. For example, a party could decide that endorsing one candidate – even in a situation where

multiple candidates would otherwise be worthy of their endorsement – is the best strategy for ensuring a member of their party qualifies for the November ballot.

Additional Concerns

Absent additional protections, the top-two primary system proposed under the -2 amendment creates a risk of abuse. There are examples where similar systems have been directly exploited. In last year's primary for governor of Washington state, [three registered Democrats](#) filed for office under the name Bob Ferguson. Only one Bob Ferguson - who at the time was the sitting attorney general - appeared to be a serious candidate for the office, with the other two Bobs entering the race at the urging of a conservative activist as part of an apparent effort to dilute support for the "real" Bob Ferguson. There are many other examples - specifically in Washington State and California - where political gamesmanship has undermined the intent of the "top-two" primary system.

Suggested Improvements to HB 3166 -2

While OBI is neutral bill on the language before you today, our members remain supportive of efforts to open Oregon's primaries more generally. With that in mind, we offer the following changes to HB 3166 -2:

- **Eliminate Ballot Endorsements:** Remove language allowing candidates to display party endorsements on the ballot. Instead, allow candidates to voluntarily list their party affiliation when they file to run for office. Political parties could still endorse candidates and promote those endorsements through traditional means.
- **Open Primaries to Non-Affiliated Voters:** Rather than implementing a "top-two" system, require political parties to allow non-affiliated voters to participate in their primaries. This approach would enfranchise the over one million non-affiliated voters currently excluded from partisan primaries while ensuring all major parties maintain access to the general election ballot.
- **Increase Filing Fees, Thresholds:** If lawmakers choose to proceed with a "top-two" system, at a minimum, consider adding safeguards to prevent a proliferation candidates who are not serious, but are filing only to split votes. This could include increasing the filing fee, requiring a minimum number of signatures to qualify for the ballot, or both. These measures would help prevent candidates from unintentionally splitting their base and ultimately reducing voter choice in November.

Thank you for the opportunity to provide feedback on HB 3166 -2. While OBI is neutral on this specific proposal, we strongly support broader efforts to open Oregon's primaries. We look forward to continuing this conversation and hope to return before this committee in support of a more refined approach.

Contact: prestonmann@oregonbusinessindustry.com