

Background Information on
Measure 65

General Election
November 4, 2008

Prepared by

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Ballot Measure 65

EASY VOTERS' GUIDE

Ballot Measure 65: Changes Primary Election Process

Official Title: Changes General Election Nomination Processes for Major/Minor Party, Independent Candidates for Most Partisan Offices

The way it is now: When you register to vote, you can choose a party, or you can choose to not be in a party. The candidates can also choose to belong to a party or they may choose to not be in any party. In the May primary election, voters who chose a party can only vote for candidates from that party. Voters who did not choose a party cannot vote for the party candidates in the May primary elections, but can vote on measures and non-partisan positions. In the November general elections, everyone who is registered can vote for candidates from any party.

What Measure 65 would do: It would put all candidates on the ballot in the May primary elections. Everyone would be able to vote for the candidate of their choice, no matter which party. The two candidates that get the most votes will run against each other in the general election in November.

Argument for:

All voters would be able to vote in the primary election in May, not only the people who have chosen a party. The top two candidates would be the two favored by the most number of voters.

Argument against:

If you only let the top two candidates on the ballot in the general election in November, then you are limiting the choices for voting. The top two could even be from the same party.

A "Yes" vote means: The primary election law would be changed. Everyone could vote for the candidate of his or her choice in the May primary election.

A "No" vote means: There would be no change in the present election system.

How much it would cost: It would cost state and local governments \$100,000 for one-time changes. Every two years it would cost \$100,000 for the state to publish the Voter Pamphlet and \$227,000 for counties to print and mail the primary ballot.

REGULAR VOTERS' GUIDE

Oregon Ballot Measure 65

STATUTORY AMENDMENT: Changes General Election Nomination Processes for Major/Minor Party, Independent Candidates for Most Partisan Offices

INITIATIVE: This is a statutory measure placed on the ballot by initiative petition with an estimated 89,892 valid signatures.

FINANCIAL IMPACT: The measure requires one-time expenditures for both state and local government of approximately \$100,000 total for computer programming changes. On the assumption that more people would run for office, it would require approximately \$100,000 every two years in additional state government spending for the primary election *Voters' Pamphlet*. It would require approximately \$227,000 every two years in additional local government spending for primary ballot printing and postage.

It does not affect the amount of funds collected for state or local government.

Probable results of a Yes Vote

If this measure passes, it would change the general election nomination processes for most partisan primaries. All candidates would run in a single, "open" primary; the two primary candidates receiving the most votes, or "top two," would then compete in the general election.

Probable results of a No Vote

The current party primary election system would remain the same, including existing procedures for the nomination of minor political party and independent candidates to the general election ballot.

Background

The current party primary system was an early 1900's Progressive Era reform, the purpose of which was to take the party endorsement/nomination process away from party insiders and give it to Oregon voters.

Under current Oregon law, candidates are nominated to the November general election ballot in several ways. Major political parties choose their nominees in the primary elections. These elections are open only to voters and candidates registered in that party, although major parties may allow nonaffiliated voters to participate in the primary (this was done as recently as the 1990s).

Minor party voters and nonaffiliated voters receive a primary election ballot, but it includes only nonpartisan races such as local government officials and judges as well as any legislative referral or local ballot measure. Minor political parties choose their nominees according to party rules approved by the Secretary of State. Candidates not affiliated with any party qualify for the general election ballot by gathering signatures or holding a convention.

The nominees of major and minor political parties and nonaffiliated candidates nominated independent of the parties all appear on the November general election ballot.

Almost twenty-five percent of Oregon voters are not registered with a major party.

The Proposal

Under Measure 65 all candidates regardless of affiliation or nonaffiliation run in this form of primary, and the top two vote recipients from the primary continue to the general election. No other means to appear on the November ballot are available. The two general election candidates can be from the same party.

This measure changes Oregon's elections system for: United States Senator, Representative in Congress, Governor, Secretary of State, State Treasurer, Attorney General, state Senator, state Representative, and for any other state, county, city, or district office. These offices are called Voter Choice offices. Nonpartisan offices or offices for which current law expressly authorizes nomination by political parties (including U.S. President and Vice President) are not changed by Measure 65.

Rather than an election in which parties and voters choose party nominees for the November general election, the May primary would become a single contest among all candidates, regardless of party or nonaffiliated status, in which all voters, regardless of party or nonaffiliated status, may vote. The existing

statutory right of political parties and independent voters to nominate a representative candidate to run in the November general election would be eliminated and replaced with this new system.

This primary process would be open to all eligible candidates and they would all appear on the primary ballot. All voters would receive this ballot and would vote for one candidate.

Measure 65 requires that the ballot identify the political party that candidates have selected on their voter registration. If the candidate is not affiliated with a party, the ballot would state either "Registration: not a member of a party" or be silent, as the candidate chooses. The ballot would list any political party endorsements received.

The November election would become a run-off between the top two vote getters from the May election, regardless of their party or nonaffiliated status. The two candidates who advance to the November general election might be from the same political party, different parties, or no party at all. No other candidates would appear on the November ballot.

Supporters Say

- Measure 65 would allow Oregon's growing numbers of nonaffiliated voters to have a voice in primary elections for Voter Choice offices.
- Measure 65 would increase voter turnout since the nonaffiliated voters and voters registered with minor parties would be able to vote in the primary for all Voter Choice offices.
- Measure 65 could encourage less polarizing candidates to run for office.
- With only two candidates for each office on the November ballot, a "spoiler" candidate (a minor candidate who draws enough votes from a would-be winner to cause the latter to lose) could not occur.

Opponents Say

- Measure 65 would increase the costs of campaigns since the candidates would need to spend more money in order to reach the increased number of primary voters.
- Measure 65 would increase the duration of campaigns, forcing candidates to gear up much earlier and campaign to the entire electorate in order to be able to emerge from the primary.
- Measure 65 would cause a decreased turnout in the November election due to fewer candidates for each office.
- Measure 65 would create fewer choices during the general election. There would only be two candidates represented at the most, and possibly both candidates would be from the same party.

REFERENCES AND RESOURCES

Committee Members

Bill Campbell (proponent), Wcc@aterwynne.com
 Roy Pulvers (opponent), RPulvers@hinshawlaw.com
 Jeston Black (opponent), Jeston.black@oregoned.org
 Wendy Willis (5th member), wwillis@pdx.edu

Proponents – general

www.oneballot.com

Opponents

Democratic Party of Oregon: Meredith Wood Smith, Meredith@dpo.org
 Oregon Republican Party: Brianne Hyder, brianne@orgop.org

Independent Party: Linda K. Williams – Linda@lindawilliams.net

No Position taken:

Oregon Working Families Party: Barbara Dudley – infor@oregonwfp.org

Background Information:

League of Women Voters of Oregon Education Fund: *Election Methods: Review of Alternatives and Oregon Proposals* (to be published Fall 2008.)

ADDITIONAL MEASURE BACKGROUND

prepared for Speakers' Kit by League Researcher

Measure 65 is a bi-partisan initiative from people who believe that the current Oregon primary system disenfranchises the **nonaffiliated voters** (NAV – they used to be called independents, but now there is an Independent Party) and members of minor parties. In the primary, these voters now receive a primary election ballot, but it includes only nonpartisan races and any legislative referral or local ballot measures. They do not have the option of voting in the major party primary that selects those party nominees for the general election. There are various forms of open primaries, and the open primary is discussed in detail in the League publication *Election Methods: Review of Alternatives and Oregon Proposals* (Fall 2008.) The chief petitioners of this measure are Phil Keisling and Norma Paulus, former Oregon Secretaries of State.

In 2005 the Oregon Legislature formed the Public Commission on the Legislature (PCOL). It was to review various options to improve legislative operations. PCOL listened to testimony concerning election reform options, one being the open/top two primary. Keisling and Paulus felt that the open/top two primary would: treat all voters equally, treat all political parties and candidates equally, allow true voter registration freedom, increase voter turnout and choice, promote majority governance, and encourage candidate candor and issue-oriented campaigns. They were opposed by Grattan Kerans and Barbara Roberts, who believed that: the election cycle would be lengthened instead of shortened, the influence of the two major parties would increase, it would create two general elections, and minor party and independent candidates would be eliminated from the general election. PCOL urged legislative changes that would create an open/top two primary. The Senate failed to pass SB 630 during the 2007 legislative session. Opposition was bipartisan.

Keisling and Paulus then formed a group that petitioned through the initiative process to place the open primary on the ballot. The title of the ballot was reworded and appeared as a top two primary. Enough signatures were gathered and it was placed on the November 2008 ballot.

There is a group called One Ballot formed in support of the measure. When surveyed, the Democratic Party of Oregon, the Oregon Republican Party, and the Independent Party were opposed, and the Oregon Working Families Party took no position.

SECRETARY OF STATE'S INFORMATION FOR MEASURE 65

EXPLANATORY STATEMENT

This statement, required by ORS 251.215, was prepared for the Election Division by Phil Keisling, Bill Campbell, Roy Pulvers, Jeston Black, and Wendy Willis

Measure 65 would change Oregon's elections system for United States Senator, Representative in Congress, Governor, Secretary of State, State Treasurer, Attorney General, state Senator, state Representative, and for any other state, county, city, or district office, except for nonpartisan offices or offices for which current law expressly authorizes nominations by political parties.

Rather than an election in which certain parties and voters choose party nominees for the November general election, the May primary would become a single contest among all candidates, regardless of party or independent status, in which all voters, regardless of party or independent status, may vote. The November election would become a run-off between the top two finishers from the May election, regardless of their party or independent status. The new primary would become the only means for candidates to reach the general election ballot. Parties and nonaffiliated voters would no longer be able to nominate candidates to the general election ballot by other means.

Under Measure 65, the primary election would be open to all eligible candidates. All run together on the same primary ballot. All voters would receive that ballot, and may vote for any one candidate per office. Only the top two vote getters from the primary would appear on the general election ballot. The two candidates who advance to the November general election might be from the same political party, different parties, or no party at all.

Measure 65 requires that the ballot identify the political party that candidates have selected on their voter registration. For candidates not affiliated with a party, the ballot would state either "Registration: not a member of a party" or be silent, as the candidate chooses. The ballot would also state that party registration does not imply party endorsement.

Measure 65 requires that the ballot list any endorsements by a major or minor political party that have been accepted by the candidate. Candidates may be endorsed by more than one party, and parties may endorse more than one candidate. Endorsements may change between the primary and general election.

Under current law, candidates are nominated to the November general election ballot in several ways. Major political parties choose their nominees in the primary elections. These elections are open only to voters and candidates registered in that party. Major parties may allow nonaffiliated voters to participate in the primary. Historically, sometimes they have, and sometimes they have not.

Under current law, minor political parties choose their nominees not in primary elections, but according to party rules approved by the Secretary of State. Candidates not affiliated with any party qualify for the general election ballot by gathering signatures or holding a convention. Under current law, nominees of major and minor political parties, and nonaffiliated candidates nominated independent of the parties, all appear on the general election ballot.

Measure 65 has provisions that would substitute the next finisher if a primary election qualifier drops out of the general election and provides for filling vacancies in office, regardless of party or independent status.