75th OREGON LEGISLATIVE ASSEMBLY - 2009 Regular Session   **MEASURE:**   **HB 2414 A**
STAFF MEASURE SUMMARY   **CARRIER:**
Senate Committee on Rules

REVENUE: No revenue impact
FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass the A-Engrossed Measure and Be Referred to the Committee on Ways and Means
Vote:	3 - 2 - 0
Yeas:	Burdick, Metsger, Devlin
Nays:	Atkinson, Ferrioli
Exc.:	-
Prepared By:	Erin Seiler, Administrator
Meeting Dates:	5/12, 6/23

WHAT THE MEASURE DOES: Allows ballots to list names of no more than three political parties that have nominated candidates for election. Requires Secretary of State to conduct general review of adoption of cross-nomination system for candidates for public office in Oregon and to report to Legislative Assembly not later than October 1, 2010.

ISSUES DISCUSSED:
  • Increasing voter participation and diversifying public policy discussions
  • Allowing minority parties meaningful participation in elections
  • Role of party affiliation in elections
  • Use of voters' pamphlet as endorsement mechanism
  • Ability of majority-party candidate to accept or reject minor-party endorsement
  • History of cross-nominations in Oregon elections
  • Aligning Oregon's election law with federal campaign finance law
  • Pending court case, *Independent Party of Oregon v. Bradbury*

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Current statute, ORS 254.135(3)(a), states that the name of each candidate nominated shall be printed on the ballot in one place, regardless of how many times the candidate may have been nominated. This allows the name of only one party to appear opposite the name of a candidate for public office. Prior to 1959, Oregon law required all party nominations to be printed on the ballot, but in 1959 a law was passed limiting each candidate to one party label on the ballot. Senate Bill 183 (1995) restored the pre-1959 statutory language that had previously been interpreted to permit cross-nomination of candidates to be listed on the ballot.

The Independent Party of Oregon, in *Independent Party of Oregon v. Bradbury*, sought an injunction against the Oregon Secretary of State for refusing to list multiple parties on the ballot for candidates who had been cross-nominated for the 2008 General Election. The Marion County Circuit Court denied the injunction, ruling that listing candidates on the ballot with the nominations of multiple parties was contrary to legislative statute and inconsistent with the Secretary of State's longtime interpretation of the law. The case is currently on appeal to the Oregon Court of Appeals.

The United States Supreme Court has upheld a Minnesota law prohibiting nominations by more than one party against a constitutional challenge based on the rights of association under the 1st and 14th Amendments (*Timmons v. Twin Cities Area New Party (1997)*). However, *Timmons* did not prohibit multiple party nominations, which are used in a number of states.

House Bill 2414-A would permit multiple nominations, by allowing the name of up to two additional parties to appear opposite a candidate's name for cross-nominated candidates.

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This summary has not been adopted or officially endorsed by action of the committee.
Committee Services Form – 2009 Regular Session