

Brian Wanty

Date: February 24, 2024

To: Oregon House Committee on Rules

Re: Senate Bill 1538 A-Engrossed (2024) Changes to Election Laws

Chair Fahey, Vice-Chair Helfrich, and Members of the Committee:

I support the changes to election laws in this bill, especially the increases to limits on aggregate contributions and expenditures before certain requirements apply. Excessive regulation of the political process can exclude some people from participation.

However, not covered in this bill is a major defect in Oregon election laws that often excludes large numbers of voters from effective participation. ORS 249.088 in combination with ORS 254.155 misleads some voters not to cast a ballot at the May election. On average, about forty-five percent fewer voters return their May ballot than return their November ballot.

This is important because, under ORS 249.088, the May ballot is a general election "If a candidate for nonpartisan office receives a majority of votes cast for the office, that candidate is elected." So, the final choice for two-candidate and some three-candidate contests is made at the May election. Few nonpartisan contests go to a November runoff election.

ORS 254.155 requires the May ballot to be labeled an "Official Primary" ballot. The New Oxford American Dictionary defines a primary election as "a preliminary election...to select candidates for a principal...election." Some voters are understandably misled to think that the May primary ballot is a preliminary top-two primary for nonpartisan offices because the ballot is falsely designated an official primary ballot for these offices. A top-two primary would always advance the two candidates with the most votes to the November general election irrespective of whether one candidate received a majority at the May primary election.

These laws exclude too many young voters. In Eugene during 2022, the median age of voters was ten years older at the primary election than at the general election. So, young voters are put at a particular disadvantage by this egregious misinformation.

Please add a remedy for this to SB1538. Solutions could include changing the May ballot's designation or adding an explanation in the voters' pamphlet that nonpartisan elections are majority runoff, not top-two primaries. Or, you could change ORS 249.088 to make all nonpartisan elections top-two primaries, as many inexperienced, unsophisticated, and inattentive voters currently think.

Regards,

Brian Wanty

Resident, Oregon Senate District 7 and House District 14