

HB 3908:

Recommended vote: Yes

House Rules Committee
Bill at the Request of the
Independent Party of
Oregon.

Raises major party
threshold from 5% to 10%
of all Oregon registered
voters.

Endorsed by

* Independent Party of
Oregon (IPO)
* Oregon Working Families
Party (WFP)
* Oregon Progressive Party
(OPP)
* Pacific Green Party (PGP)
* Consolidated Oregon
Indivisible Network (COIN)

Questions?

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What This Bill Does

This bill raises the threshold for becoming a major political party in Oregon from **5% to 10%** of all registered voters.

Currently, any party that reaches 5% of Oregon's registered voters is required to be a major party. Under this bill, that number would increase to 10%.

At present, only one party is affected: the Independent Party of Oregon, with 150,000 members. No other party has more than 20,000 members. Most of Oregon's other third parties—including the Working Families Party, Progressive Party, and Pacific Green Party—support this change because the Secretary of State has agreed to convene a bipartisan group of legislators and stakeholders to review Oregon's ballot access and primary laws and make recommendations to the legislature.

Why It Matters

The Independent Party reached 5% much earlier than expected this year after Oregon's Motor Voter law was temporarily paused by the Governor.

Oregon's laws for major parties were designed for large, national political organizations. These rules are not workable for smaller state-based parties and make it nearly impossible for them to function as major parties. Also, the Independent Party has yo-yoed back and forth between minor party and major party status since 2014, adding more difficulty to nominating candidates and planning for its future. Under current law, the yo-yoing will likely continue, as the party hovers at almost exactly 5% of all Oregon registered voters.

This bill also highlights the need to review other parts of Oregon's election laws—such as how non-affiliated voters participate in primaries and how the smallest third parties are treated under the law.

What Supporters Asked

- Lawmakers to raise the threshold to 10%
- The Secretary of State to create a workgroup with lawmakers, county clerks, and stakeholders to recommend changes to the legislature.

The Secretary of State agreed to organize that group.

What's the Current Problem?

The current major party laws were made for parties with national money and resources. They include rules that may violate the Oregon Constitution by limiting the rights of smaller parties and their members, such as prohibiting the Independent Party from allowing candidates to run in its primary who have not been members of the Party continuously for 250 days and allowing Democratic and Republican candidates to win Independent Party nominations by write-in. Without a change we will see less competition and more spoiler candidates.

Current Problems include:

- Non-affiliated voters are mostly shut out of helping choose general election candidates.
- Some rules likely violate the Oregon constitution's free speech and association protections. (See linked [legal memo](#))
- It forces the Independent Party to nominate candidates of other parties who don't represent the party or its values.
- It forces the Independent Party to radically change its nomination processes as it yo-yoes between minor and major party status.

If this bill doesn't pass, counties and the state will face higher costs:

- Counties would need to design new ballots and process many more write-ins in the primary election.
- Counties would need to design and process more write-ins for precinct committee races.
- The state and counties would have administration costs of an open primary for NAV's when the Independent Party opens its primary to all Oregon non-affiliated voters.
- Litigation over state law pertaining to major party nomination restrictions on a small major party.

What's Next?

If this bill passes, the Secretary of State will convene a group of lawmakers, clerks, and political parties to recommend better rules going forward to the legislature.

We urge the committee to move the bill with a "do pass" recommendation.