

OREGON PROGRESSIVE PARTY



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Oregon Progressive Party

Position on Bill at 2018

Session of Oregon Legislature:

**HB 4033: Support; support adding language from -3
and -4 amendments; suggest
improvements**

Dear Committee:

The Oregon Progressive Party supports on this bill, which:

- Requires Secretary of State to conduct study and analyze implementation of laws relating to elections that were passed during 2017 regular session of Legislative Assembly.
- Requires secretary to develop recommendations regarding most effective methods for improving implementation of laws.
- Requires secretary to submit report to interim legislative committees detailing recommendations by October 1, 2019.

We see no reason to limit the scope of the study to election laws passed in 2017 and suggest that the scope include all election laws.

We also suggest that the study's examination of the implementation of those laws include the subject of whether those laws are consistent with the freedom of speech and association rights under the First Amendment to the U.S. Constitution and Article I, Sections 8 and 26, of the Oregon Constitution. Much of ORS pertaining to elections was written before the Oregon Supreme Court changed its approach to freedom of speech and association issues in State v. Robertson, 293 Or 402, 649 P2d 569 (1982). The Court continues to refine its approach. The United States Supreme Court has also been very active in over the past few decades in applying the First Amendment and the Equal Protection Clause to election laws in new ways. A comprehensive

review of Oregon election laws, in light of those case law developments, might help avoid the proliferation of litigation about them.

We support adding the new features of the -3 and -4 amendments to the bill. But both amendments, as written, would also delete the entire text of HB 4033 as introduced. We do not support that.

We support the -3 amendment, which requires that all campaign contributions and expenditures be reported to ORESTAR, not merely individual contributions or expenditures exceeding \$100 each. Computer allow pretty easy itemization of all contributions and expenditures, and the current thresholds allow an unscrupulous candidate or committee to hide otherwise reportable transactions in the "under \$100" aggregate category.

We support the -4 amendment, which allows political parties to request the state voter file directly from the Secretary Of State instead of from the county clerks. The Secretary Of State is already the custodian of the state voter file. There appears to be no reason to involve the county clerks in these requests.

Oregon Progressive Party

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