

AMENDMENT NEEDED TO STRIKE SECTION 30 FROM SB 244A

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The Independent Party of Oregon (IPO) opposes Section 30 of SB 224A, which was added by the Senate Rules Committee with no public hearing and no consultation with IPO. Section 30 would have no effect on any entity other than IPO.

Under existing law, IPO will revert to a minor party as of August 2019. That is fine with us.

Section 30 would compel IPO to be a major party in the 2020 election cycle but not beyond. We oppose that, because the Legislature has not addressed the critical problems in Oregon statutes that impair the speech, association, and voting rights of IPO and its members, if IPO is compelled to be major party. These laws:

1. Restrict candidates in a major party primary to persons who have been members of the party for 180 days prior to the filing deadline (250 days before the primary election). (ORS 249.046)
2. Allow anyone, including non-members of IPO, to win the major party primary by write-in, while providing a huge advantage to the Democratic and Republican candidates for the same seat: a laudatory statement in every Voters' Pamphlet that no other write-in candidate is allowed. (ORS 254.365)

These laws are crippling to a new major party and result in nearly all IPO nomination going to the Republican or Democratic candidate for the same seat.

If SB 224A is enacted without this amendment, IPO will litigate to invalidate these laws. The Office of Secretary of State has agreed with us that current Oregon statutes violate the constitutional rights of IPO and its members.

The Alaska Supreme Court recently struck down a law requiring that nominees of the Democratic Party be members of that party. ***State v. Alaska Democratic Party***, 426 P3d 901, 907-08 (Alaska 2018), citing ***Tashjian v. Republican Party of Connecticut***, 479 US 208, 215, 107 SCt 544 (1986):

Were the State to restrict by statute financial support of the Party's candidates to Party members, **or to provide that only Party members might be selected as the Party's chosen nominees for public office**, such a prohibition of potential association with nonmembers would clearly infringe upon the rights of the Party's members under the First Amendment to organize with like-minded citizens in support of common political goals.