

Measure 90--Top Two Primary (Initiative)

This measure would change state law to allow a primary election to be open to all voters. Every voter could choose one candidate from all qualified candidates, regardless of political party. The top two candidates, regardless of party, would advance to the general election.

<i>EASY READ GUIDE</i> Information

Official Title:

[Changes state law] Changes general election nomination processes: provides for single primary ballot listing all candidates; top two advance.

The way it is now:

When Oregonians register to vote, they can choose a political party or no party at all. In a primary election, their ballot only has the candidates from the party they chose. If they chose to register with no party, their ballot only has candidates for nonpartisan offices. There are almost 500,000 registered voters in Oregon who register without choosing a party.

What Measure 90 would do:

The primary election will be open to all voters. Every voter could choose one candidate from all qualified candidates, regardless of political party. The top two candidates, regardless of party, would advance to the general election.

What it would cost:

It will cost at least \$362,640, it might cost more.

Argument for:

All voters could vote in the primary election no matter what party they chose when they registered. More voters might vote in primary elections, so that the top two candidates in the fall election would be the choice of more people.

Argument against:

Minor parties might not get enough votes to appear on the general ballot in November. The top two winners might not represent most voters. Voters might have to vote for candidates that don't share their values, or might choose not to vote.



State of Oregon Measure 90: Top Two Primary

VOTERS' GUIDE INFORMATION

Official Title: Changes general election nomination processes: provides for single primary ballot listing all candidates; top two advance.

Initiative: This measure is a statutory amendment placed on the ballot by initiative petition with an estimated 91,716 valid signatures.

Financial Impact: Secretary of State Fiscal Estimate Committee concluded that the measure will cost at least \$362,640. It also found that additional costs were indeterminate.

Probable Results of a YES Vote: If this measure passes, voting on the primary ballot would be open to all party-affiliated and non-affiliated voters and would allow them to choose one candidate for each partisan office from all qualified candidates, regardless of political party. The top two candidates, regardless of party, would then advance to the general election.

Probable Results of a NO Vote: The measure, if defeated, will mean the primary system that is in effect in Oregon will remain the same.

Background: At the present time, when Oregonians register to vote, they indicate their party preference or they may register to vote indicating no party preference. Subsequently, according to the existing statutes governing the primary-election system, a voter who registered with a political party will receive a ballot that includes only that party's candidates (plus non-partisan offices). A non-affiliated primary voter will receive a ballot that includes only non-partisan offices. There are almost 500,000 non-affiliated registered voters in Oregon.

Under current law, only major party candidates are chosen in primary elections. Candidates from a minor party are chosen according to party rules approved by the Secretary of State. Candidates not affiliated with any party can qualify by gathering signatures or holding a convention. Those minor party candidates chosen by signature or convention then appear on the general election ballot.

In 2008, Measure 65, also known as "top two" initiative was proposed but defeated.

In an attempt to enfranchise non-affiliated voters and minor parties, the Oregon Legislature passed Fusion Voting in 2009. It provides for multiple political parties to nominate the same candidate for an office. Next to a candidate's name may appear up to three party identifications as accepted by the candidate.

The Proposal: This measure provides for a single primary among all partisan candidates regardless of major party, minor party or non-affiliated status. All registered voters, regardless of party or non-affiliated status, may vote. The two candidates receiving the most votes in the primary would advance to the general election regardless of party designation or no party designation at all. The offices affected are Governor, Secretary of State, State Treasurer, Attorney General, state Senator and state Representative.

If one of the top two candidates drops out before the general election, the next highest vote getter will appear on the general election ballot.

Supporters Say:

- The Top Two will give a voice to non-affiliated voters in the primary, thus reducing extreme partisanship.
- It is important that all voters in Oregon be able to vote in a primary election because a more diverse set of voices could create a more diverse legislature.
- This version of Top Two maintains the integrity of the role for political parties by permitting party endorsements to appear on the primary and general election ballots through fusion voting.

Opponents Say:

- Since minor party candidates rarely finish in the top two, these parties may have little or no presence on the general-election ballot, thus lowering overall voter participation.
- Top Two would reduce choice in November; neither candidate would likely be from a minor party, and both could be from the same major party. It would force many voters to choose between voting for candidates who don't share their values or not voting.
- Measure 90 is confusing, complex, and may increase game playing within parties.

BACKGROUND INFORMATION

- Both major candidates for Governor are supporting the measure.
- Both major parties are against it.
- Working Families Party is very active in supporting the measure (see workingfamilies.org/states/Oregon), but most other minor parties are in opposition or silent.
- Our Oregon, a coalition of mostly labor related groups, is firmly in opposition (for more information, go to: info@NoOnMeasure90.org).
- The Citizen Initiative Review Committee has voted to oppose it.
- Eric Semple at Multnomah County Elections Office said that the open primary system would save a lot of administrative time for them. They would be able to send out the same ballot to everyone and it may even save money. It will save in time spent explaining to people why they haven't received a partisan ballot if they are registered as non-affiliated.
- There are almost 500,000 non-affiliated registered voters in Oregon.

The November 2010 LWV OR Voters' Guide provided the following explanation of *Fusion* voting:

Fusion voting is an election system that allows multiple political parties to nominate the same candidate for an office. In 2009, the Oregon legislature passed a bill (SB 326) to provide for printing on the ballot, next to the candidate's name, the listing of up to three parties whose nominations the candidate had received and accepted. As a result, your ballot will look different than in the past.

For each elected office, each candidate's name will still be listed once on the ballot. After the name you will see up to three abbreviation codes for the parties that have chosen to nominate that person for the office. The abbreviation codes were devised by the Oregon Secretary of State's office. They are as follows:

CON (Constitutional), DEM (Democratic), etc.

The first abbreviation code in the list tells you to which party the nominated candidate belongs as a member. Candidates choose which, if any, additional party nominations they will accept. Up to two additional abbreviated codes may be listed after the candidate's name on the ballot line. These additional abbreviation codes are arranged in order according to the randomized alphabet generated by the Secretary of State for the election.

Ballot Measure 65. Another top two open primary was defeated in Nov. 2008, see the League Voters' Guide Nov. 2008 or go to [ballotpedia.org/Oregon_Top_Two_Elections,_Measure_65_\(2008\)](http://ballotpedia.org/Oregon_Top_Two_Elections,_Measure_65_(2008))

- www.oregonvotes.gov/doc/voterresources/registration/Jul14.pdf

General background info:

- blueoregon.com/2014/07/why-working-families-party-supporting-oregon-open-primary-ballot-measure/
- [ballotpedia.org/Oregon_Open_Primary_Initiative,_Measure_90_\(2014\)](http://ballotpedia.org/Oregon_Open_Primary_Initiative,_Measure_90_(2014))
- Working Families Party: Facts about the Oregon Open Primary

In 2008, the LWV of Oregon Education Fund published a study titled “Election Methods: Review of Alternatives and Oregon Proposals.” That report contained the following information regarding Open or Top Two Primaries:

Pros of Open/Top Two Primary

- Candidates reflecting the views of a broader range of the electorate may be more successful, resulting in decreased partisanship.
- Oregon’s growing number of nonaffiliated voters (NAV) will now have a voice in nominating general election partisan candidates.
- General election competition may be increased because two candidates from the same party could face each other in November. Currently, there are many legislative districts where one party doesn’t field a candidate. . . In these districts the top two voter recipients in the primary would compete in the general election regardless of party status.
- More contested general elections, including between members of the same party, could enable more discussion of issues. Increased campaign spending could result to the benefit of voters.
- Spoiler candidates will be eliminated during the general election since there can only be two candidates on the November ballot. Races cannot be won with less than 50 percent of the vote, unless write-in votes affect the results of a close election.
- The major political parties will not control the primary election process.
- Minor parties and nonaffiliated candidates will be treated the same as major parties and can compete in the primary.
- Voters will have more choices during the primary.
- Primary election turnout may increase.
- The open/top two primary is straightforward reform that is easier to understand than other election reform options.

Cons of Open/Top Two Primary

- Extreme candidates could win or crowd out moderates in open/top two primary systems since a large number of candidates could split votes to the extent that top vote getters could advance with



League of Women Voters Oregon General-election Ballot Measures 2014

relatively few votes from partisan voters on either the right or the left.

- Costs of campaigns and fundraising demands on candidates may increase because the primary will effectively become another general election with outreach required to all potential voters. Now primary candidates can focus their outreach only on voters eligible to vote in partisan primaries.
- In those districts dominated by one party, “the race” is typically in the primary. The general elections in these districts are then less expensive pro forma races. Under open/top two primary reform the top two winners of a primary in such a “one party dominated” district will face each other again in a general election. Such a November election will essentially be a repeat of the primary in terms of likely result and campaign cost.
- Other reforms such as public funding campaign finance reform and alternative voting systems may be better options to address partisanship, gerrymandering, and problems “solved” by the open/top two primary.
- An incentive for major party registration is removed which might reduce the effectiveness of political parties.
- Political party endorsement processes, such as caucuses or conventions, may decrease transparency and access to all but party activists and give too much clout to party leaders.
- Voters in many legislative districts may actually see less choice because the top two vote recipients in the general election could be from the same party.
- Voters may have fewer choices during the general election with less chance for independents or minor party candidates to succeed in a “top two” general election.
- Minor parties will lose their guarantee to a spot on the general election ballot and reduce their opportunity to educate voters about their particular issues.
- General election turnout is greater than in primaries so it is more important to ensure greater choice in the general election.
- General election voter turnout may decrease because voters will have less choice since only the “top two” candidates will appear on the November ballot.

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