



503.687.1206

www.indparty.com

info@indparty.com

ATTN: Steve Elzinga, SOS legislative director; House Committee on Rules

Distinguished Chair, members of the committee,

My name is Sal Peralta. I am a resident of McMinnville. I am testifying on behalf of the Independent Party of Oregon on HB 2359, which seeks to impose penalties on those who distribute fake ballots and/or voter's pamphlets..

We understand that this legislation is intended to narrowly target those who engage in deliberately misleading conduct, such as that which took place in House District 44 during the 2016 primary election when a political committee circulated materials that substantially mimicked the state voter's pamphlet in a way that appeared intended to deceive voters¹. We strongly support preventing that kind of bad conduct. However, we are concerned that this bill could be used for partisan political purposes to interfere with our party's election-related activities.

Each election cycle, the Independent Party of Oregon circulates one or more voter's guides, member surveys, and/or ballots that are intended to inform members about candidates and party activities; elect party officers; vote on legislative priorities and nominate candidates to the general election ballot.

I am attaching a copy of the party's 2016 primary election voter's guide² (also linked in the footnote below), which is representative of other publications that the party produces and distributes. We would appreciate clarification that the legislative intent is not to target publications like ours and believe that an amendment to this legislation may be needed to ensure that bona fide election-related guides such as the IPO Election notices and voters' guides and/or the League of Women Voters Guide are not wrongly targeted by future officeholders under this law.

Additionally, we note that in order to survive an Article I, Section 8 analysis under Robertson in the Oregon courts, the law should more directly target the perceived harm and not the content of the communication.

Sincerely,
Sal Peralta
Secretary, Independent Party of Oregon

¹ http://www.oregonlive.com/politics/index.ssf/2016/04/phony_voters_pamphlet_targets.html

² http://www.indparty.com/images/IPO_TABLOID_FINAL.pdf