

April 21, 2015

TO: Senate Committee on Rules
FR: David Rosenfeld, Executive Director, Oregon State Public Interest Research Group (OSPIRG)
RE: Support for Senate Joint Resolution 5

OSPIRG supports SJR 5. We thank Chair Rosenbaum and the Committee for taking the time to consider this matter.

One person, one vote: That's how we're taught elections in our democracy are supposed to work. Candidates should compete to win our votes by revealing their vision, credentials and capabilities. We, the people, then get to decide who should represent us.

The problem is that these days there's another election: Call it the money election. In the money election, most people don't have any say at all. Instead, a small number of super-wealthy individuals and corporations decide which candidates will raise enough money to run the kind of high-priced campaign it takes to win. This money election starts long before most voters cast their ballots, and its consequences are felt long after.

It's been over twenty years since Oregonians first voted to limit the money election by overwhelmingly passing Measure 9, which among other things, limited campaign contributions to a level that ordinary people could afford. It's been almost twenty years since the Oregon Supreme Court, in *Vannatta v. Keisling*, threw out these limits on the grounds that the free speech rights of big-moneyed donors outweighed the health of our democracy.

Since then, the judicial system has only given mega donors even more influence in the "money election", with the most notorious milestone being the U.S. Supreme Court's *Citizens United* decision in 2010.

Take the recent mid-term elections. We recently looked at 25 competitive U.S. House races across the country, and in those races the top two vote-getters got more than 86 percent of their contributions from large donors. Meanwhile, only two of those candidates raised less than 70 percent of their individual contributions from large donors.¹

This disparity was also on full display in the 2012 presidential election. Combined, both candidates raised \$313 million from 3.7 million small donors — donors who each gave less than \$200. However, that \$313 million was matched by just 32 Super PAC donors, who each gave an average of more than \$9 million. Think about that: just 32 donors — a small enough number that they could all ride on a school bus together — were able match the contributions of 3.7 million ordinary Americans.²

So what happens when a handful of super rich donors spend lavishly on elections? For one thing, their money often determines who wins an election. In 2012, 84 percent of House candidates who outspent their opponents in the general election won.³

¹ USPIRG Education Fund, November 2014, *The Dominance of Big Money in the 2014 Elections*

² USPIRG Education Fund, January 2013, *Billion Dollar Democracy*

³ *Ibid.*

But perhaps the bigger problem is what it does to the public's trust in their democracy, and the faith we all place in our elected officials. Americans' confidence in government is near an all-time low, in large part because many Americans believe that government responds to the wishes of the wealthiest donors — and not to the interests or needs of regular Americans.⁴

These are examples culled from the national stage, but we know the same dynamics exist in our state and local elections.

So what to do about it?

The Legislative Assembly said it well in 2013 when it adopted HJM 6, calling for a U.S. Constitutional Amendment restoring the right of the people to regulate all moneys raised and spent for political purposes — joining over a dozen states and 600 cities.

Admittedly, that goal might take awhile. In the meantime, it makes sense for Oregon to clarify in our state's constitution that the people do indeed have the right to limit money in our elections. This ensures that Oregon can be “ready to go” once we overcome our federal constitutional challenges.

While OSPIRG supports SJR 5 as drafted, there are two ways in which it could be improved:

1. Broaden the scope of the amendment to include Oregon's initiative process. Our beloved initiative and referendum process has been hijacked and distorted by the very same big-moneyed interests already mentioned here. On the merits, there is little reason not to address this problem as well. In fact, if we do not, we may inadvertently create a loophole for special interests to continue undermining our democracy.
2. Broaden the scope of the amendment to include spending, as well as contributions. Doing so is not only consistent with the Legislature's findings of the 2013 HJM 5, but ensures that the people have all available levers to bring our democracy back to the people.

Madame Chair and Committee Members, I leave you with this: public opinion about the need to limit campaign spending has changed little since Oregonians first overwhelmingly approved Measure 9 in 1994. This was made most clear to me when, on the after the U.S. Supreme Court issued yet another attack on campaign limits in its 2014 *McCutcheon* decision, a New York Times poll found that eight in ten Americans, if given the opportunity, would vote to limit the amount of money that candidates for Congress could raise and spend.⁵

Thank you for your time on this matter.

⁴ Every Voice, November 2014, New Poll: Voters Don't Think Congress Listens to Them, Support Campaign Finance Reforms.

⁵ New York Times, April 2014, Polls Show Broad Support for Campaign Spending Caps