

JEANNE P. ATKINS  
SECRETARY OF STATE

ROBERT TAYLOR  
DEPUTY SECRETARY OF STATE



SECRETARY OF STATE  
136 STATE CAPITOL  
SALEM, OREGON 97310-0722  
Phone 503-986-1500

**SJR 5 and SB 75**  
**Senate Committee on Rules**  
**April 21, 2015**  
**Testimony of Secretary of State Jeanne P. Atkins**

Chair Rosenbaum and Members of the Committee:

I am pleased to be here today to testify in support of SJR 5, which was introduced on behalf of the Secretary of State's Office by my predecessor.

SJR 5 would allow Oregonians to impose reasonable limits on campaign contributions made in connection with candidates for public office. I believe bringing this issue to the voters through SJR 5 is the best way to move forward on a public policy issue that is important to Oregonians and has so far eluded resolution.

The very foundation of our democracy requires public faith in the system of representation and election. Unfortunately, that faith has been eroded by negative public perceptions about the relationship between elected officials and the donors who provide, in some cases, vast sums of money to their campaigns. In a 2012 statewide survey of Oregonians by Oregon Public Broadcasting and Fox 12, 74% of respondents agreed that there should be limits on campaign contributions to candidates for elected office. These results have been echoed by those of nationwide surveys, such as one conducted by Gallup in 2013 that found that 79% of Americans would support a law that put limits on campaign contributions to U.S. Congressional candidates.

Anyone who has been to a town hall or public forum where this issue arises can testify that the vast majority of Oregonians do not believe that reasonable limits place an undue burden on freedom of expression. Nor does a majority believe that our current system of unlimited contributions serves us well.

SJR 5 responds to Oregonians' call by taking the first step: amending the constitution to allow for limits in Oregon.

Of course, the U.S. Constitution limits how far we can restrict money in politics. SJR 5 would not change that. But at minimum, SJR 5 would put our state's ability to regulate campaign finance on an even footing with the standards applied to federal races.

You have heard impassioned and informative testimony already today and there will be much more to follow. I want to address why I think SJR 5 is the correct vehicle to make changes and why it is also the right first step.

Article II, Section 8 of the Oregon Constitution grants authority to the "Legislative Assembly" to "enact laws to support the privilege of free suffrage, prescribing the manner of regulating, and conducting elections, and prohibiting under adequate penalties, all undue influence therein, from power, bribery, tumult, and other improper conduct."

Expressly including the authority of the Legislative Assembly or the voters by initiative to place reasonable limits on campaign contributions is completely consistent with the goals set out by the authors of our state constitution through Article II.

As you all are well aware, legal challenges to campaign contribution limits have successfully argued that there are free speech implications to limiting campaign contributions. In Oregon, this is particularly significant, since not only are federal constitutional protections in play but Article 1, Section 8 of the Oregon Constitution also provides Oregonians broad protection from government restrictions on speech.

We are very sensitive to the enormous value that Oregonians place on free speech. Oregonians have rejected at least four attempts to amend Article 1, Section 8 since 1994. That is why SJR 5 is drawn narrowly, aimed strictly at contributions made in connection with candidates for public office. The goal is to draw a tight line between the ability of the state to regulate and the undue influence that the Oregon Constitution already seeks to prevent.

If you believe that any rules preventing a donor from giving unlimited amounts of money to a candidate would infringe on protected free speech then you will not likely support this proposed amendment. But I believe SJR 5 is drawn appropriately narrowly for those of us who believe in sanctity of free speech and in reasonable contribution limits, and who believe that Oregonians—through their legislators or the initiative process—are capable of finding the appropriate balance.

So what would reasonable limits look like? I believe Senate Bill 75, also before you, is an example of reasonable provisions designed to be consistent with federal constitutional standards and to be sensitive to free speech issues. However, I urge the Committee to consider placing SJR 5 before voters before beginning the debate anew over the specific terms of campaign contribution limits. The most recent effort in 2006 failed when two questions—should there be any limits, and what should they be—were put before voters at the same time. Voters indicated

they wanted limits, but they did not like the Constitutional amendment that was offered up to get there.

We have an opportunity now to get the questions before the people and the Legislature in the right order. To do this, however, it will be necessary to “clean the slate” by making SJR 5 prospective in its operation. To that end, we have worked with Legislative Counsel to prepare the -2 amendments for the Committee to consider. This amendment would assure that SJR 5 would be applied only to actions of the Legislature or the voters through initiative in the future.

Once the initial question of constitutional limits is answered we can begin the debate over the definition of donors, appropriate limits, and what consequences there should be for violation.

I appreciate that the Committee was willing to hold a hearing on SJR 5 and SB 75 today, and I am happy to take any questions.