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March 13th, 2019

Chair Williamson & members of the committee,

My name is Sal Peralta. I am testifying today on behalf of the Independent Party of Oregon in favor of this legislative body moving forward a Constitutional Amendment to enact campaign contribution limits. I have a few concerns about the language of this bill that I hope you will take into consideration as you deliberate about the final language.

First, I think it is important to acknowledge that the Oregon legislature has never passed legislation to limit campaign contributions, it has only ever repealed or weakened laws passed by Oregon voters. If this body does take action, each of you who is part of the solution will have done something truly unprecedented in our state. With that in mind, I would like to thank both the House Rules and Senate Campaign Finance Committees and the Governor for making this issue a priority.

I am not going to spend much time on the “why” of this policy. Governor Brown, the Oregonian and nearly 90 percent of Portland and Multnomah County voters have made their preferences known to this body.

With regard to the “what”, I understand that it will be difficult to pass any constitutional amendment in this body, so I believe that campaign finance reform proponents should be as flexible as possible in terms of specific language in the enabling constitutional amendment.

I recommend that the body adhere to a few basic principles:

- First, I would caution the legislature \*against\* using this proposal as an opportunity to overturn the express will of voters, especially Multnomah County and Portland residents who overwhelmingly voted in favor of strict campaign finance regulations on Multnomah County elections.

You may find that voters will not appreciate it if you overturn legislation that nearly 90 percent of them voted for, twice.

I therefore recommend deleting Subsection (3):

~~(3) Subsection (2) of this section applies to laws and regulations enacted by the Legislative Assembly or the governing body of a city, county, municipality or district, or enacted or approved by the people through the initiative process, on or after December 3, 2020.~~

Alternately, please consider amending the section to allow the Portland, Multnomah County and other local measures to stand, while replacing the limits passed by Oregon voters in 2006.

- Second, the intent of campaign finance reform should be to reduce undue influence, not create an un-level playing field that advantages one funding coalition over another. Whatever statutory or constitutional language you adopt should be fair.

If it becomes clear to the main proponents of this legislation that a Constitutional Amendment authorizing contribution limits cannot pass in the current legislative session, I encourage this body to pursue constitutional and/or statutory language to require disclaimers in mass communications (i.e. "Paid for by..." or that reveal the true source of funding).

For years, this body has used Oregon Attorney General opinion 8266, as a legal basis for not taking action. However, much of the legal analysis contained in that memo has proven false over the last two decades, as courts, including the US Supreme Court in Citizens United, have taken positions that are highly at odds with the analyses given in that memo.

Respectfully,

Sal Peralta