

SJR 18 STAFF MEASURE SUMMARY

Senate Committee On Campaign Finance

Prepared By: C. Ross, LPRO Analyst

Meeting Dates: 3/13, 3/20

WHAT THE MEASURE DOES:

Proposes amendment of Section 8, Article II of Oregon's Constitution to permit enactment of laws limiting certain political contributions, if approved by a vote of the people.

ISSUES DISCUSSED:

- History of difficulty with campaign finance policy
- Ever-increasing costs of many campaigns
- Time commitment required to raise funds
- Disparate impact on access for historically disadvantaged groups
- Other similar measures; appropriate level of simplicity or detail
- Companion measures that address small donor financing and disclosing source of funds

EFFECT OF AMENDMENT:

[-2 amendment] Replaces general language permitting the enactment of laws with express limitations and prohibitions: barring corporations, labor organizations and political committees from making aggregate contributions over \$5,000 per election per candidate; barring candidates from accepting same; and requiring the Secretary of State to adjust the prohibited dollar amount each biennium according to the CPI, as specified.

[-3 amendment] Allows enactment of laws regulating the use of moneys in political campaigns; requires disclosure of contributions and expenditures in connection with political campaigns; and requires advertisements to identify payors. Specifies applicability to laws after December 3, 2020.

[-4 amendment] Allows enactment of laws by state and local governments and the people, regulating the use of moneys in political campaigns, to include limits on expenditures; requiring disclosure of contributions and expenditures; and requiring advertisements to identify payors. Specifies applicability to laws after January 1, 2016.

BACKGROUND:

The ability to regulate campaign finance is limited by a substantial body of federal and state case law. Decisions made by courts limit the choices available to lawmakers when considering campaign finance policy. Consistently, state and federal courts have found the use of money in political campaigns is the equivalent of political speech, notably *VanNatta v. Keisling* at the state level (324 Or. 514, 931 P.2d 770 (1997)) and *Citizens United v. Federal Election Commission* at the national level (558 U.S. 310 (2010)). Attempts to regulate such speech are and will be challenged as violative of constitutional free speech guarantees. Oregon's Constitution is more protective of free speech than the federal Constitution, and Oregon remains among only a handful of states with no limits on contributions.

Senate Joint Resolution 18 amends Section 8, Article II of the Oregon Constitution to allow regulation of political contributions to candidates for public office.

PRELIMINARY