

SJR 18 STAFF MEASURE SUMMARY
Senate Committee On Campaign Finance

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Meeting Dates: 3/13, 3/20, 3/27

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 on the date of the next primary election.

ISSUES DISCUSSED:

- History of difficulty with campaign finance policy
- Ever-increasing costs of many campaigns
- Time commitment required to raise funds
- Concern about unfair influence over, and unequal access to elected officials
- Disparate impact on access to candidacy for public office 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:

[-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.

[-5 amendment] Incorporates -4 and qualifies enactment of regulation *within the relevant jurisdiction*.

[-6 amendment] Incorporates -4 and adds to statement about examples of allowable regulation: "including '*but not limited to*.'"

[-7 amendment] Incorporates -4 and requires identical regulation of individuals and entities.

[-8 amendment] Incorporates -4 and requires identical limits on contributions of individuals and entities.

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