

SJR 18 A STAFF MEASURE SUMMARY

Senate Committee On Campaign Finance

Action Date: 03/27/19

Action: Be adopted with amendments and requesting referral to Rules. (Printed A-Engrossed.)

Vote: 3-2-0-0

Yeas: 3 - Burdick, Golden, Prozanski

Nays: 2 - Girod, Knopp

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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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 by state and local governments and the people, regulating the use of moneys in political campaigns within the relevant jurisdiction, to include limits on expenditures, requiring disclosure of contributions and expenditures, and requiring advertisements to identify payors, if approved by voters at the primary election. Specifies applicability to laws enacted after January 1, 2016.

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:

Allows enactment of laws by state and local governments and the people, regulating the use of moneys in political campaigns within the relevant jurisdiction, 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-A amends section 8, Article II of the Oregon Constitution to allow regulation of moneys in political campaigns if approved by voters at the next primary election.