

HB 4124 -2 STAFF MEASURE SUMMARY

House Committee On Rules

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 2/4, 2/11, 2/13

WHAT THE MEASURE DOES:

Establishes the Task Force on Political Campaign Contribution Limits to study the implementation and effectiveness of political contribution limits across the United States and make recommendations on how to best establish effective political contribution limits in Oregon. Requires report to Legislative Assembly by September 15, 2020. Sets operative date for chapter 3, Oregon Laws 2007 (Ballot Measure 47 in 2006) to the later of either the date on which the Oregon Supreme Court issues a decision that renders Ballot Measure 47 operative or July 1, 2021. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Task force membership and appointing authority
- Election cycle boundaries
- Ballot Measure 47 effective date
- Previous task force
- Relationship of implementation date to election cycles and readiness of Secretary of State's Office

EFFECT OF AMENDMENT:

-2 Set operative date for provisions contained chapter 3, Oregon Laws 2007 (Ballot Measure 47 (2006)) to July 1, 2021. Requires Department of Justice to draft a legal opinion on the constitutionality of each provision and deliver opinion to the Secretary of State (SOS) and Legislative Assembly by November 3, 2020. Requires SOS to adopt rules to implement Ballot Measure 47 by December 31, 2020. Gives original jurisdiction to determine constitutionality of Ballot Measure 47 provisions to the Oregon Supreme Court; provides for petition for judicial review between January 1, 2021 and March 31, 2021; and repeals Ballot Measure 47 provisions that are found to be unconstitutional under either the state or federal constitution. Repeals operative date, rulemaking, and judicial review provisions of the measure if the final decision in *Multnomah County v. Elizabeth Trojan*, SC number S066445, does not render Ballot Measure 47 operative. Declares emergency, effective on passage.

BACKGROUND:

State and federal courts have found the use of money in political campaigns is the equivalent of expressing political opinion. Campaign contributions and expenditures are forms of expression protected by Article I, Section 8 of the Oregon Constitution. Oregon is one of five states with no limits on political campaign contributions and one of 11 states that impose no limits on individual donors (National Conference of State Legislatures, *State Limits on Contributions to Candidates, 2019-2020 Election Cycle*).

Chapter 3, Oregon Laws 2007 was passed as Ballot Measure 47 in 2006. It placed caps on how much individuals could spend on candidates at \$500 for statewide office and \$100 for other public offices; limited contributions from political committees, small donor committees, candidate personal funds, and political party finance committees; and banned contributions from corporations and labor unions. It also provided that if the political campaign contribution limits contained in the measure were not allowed by the Oregon Constitution on the effective date of measure, then the provisions would be codified and become effective at the time the Oregon Constitution is found to allow, or is amended to allow, such limitations.

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In 2012, the Oregon Supreme Court affirmed trial and appellate court holdings that Measure 47 was not enforceable and does not become operable unless or until Article I, Section 8 is amended to permit campaign finance limits or judicial opinions render it operable. The Oregon Supreme Court is currently considering the constitutionality of campaign donation limits enacted in Multnomah County in 2016.

House Bill 4124 creates the Task Force on Political Campaign Contribution Limits to study the implementation and effectiveness of political contribution limits and make recommendations for Oregon by September 15, 2020. The measure also sets the operative date for Ballot Measure 47 to the later of either the date on which the Oregon Supreme Court issues a decision that renders Ballot Measure 47 operative or July 1, 2021.