



To: Members of the House Rules Committee

From: Megan Schmidt, Senior Director of Government Affairs, Philanthropy Roundtable

Re: Philanthropy Roundtable Opposition Testimony for House Bill 4024/Amendment -3

Date: February 23, 2024

Leader Fahey and Members of the committee:

My name is Megan Schmidt, and I am the Senior Director of Government Affairs at Philanthropy Roundtable, and I write to you to express Philanthropy Roundtable's opposition to House Bill 4024/Amendment -3, which is a clear violation of the First Amendment. The Roundtable is a community of donors who are committed to advancing liberty, opportunity, and personal responsibility through effective charitable giving. Our donors consist of private, community, and family foundations nationwide.

Oregon is home to almost 28,000 nonprofit organizations, with generous Oregonians giving close to \$2.7 billion to charity each year. Philanthropy Roundtable supports the right of Oregonians to give and associate anonymously and believes donor privacy must be robustly protected. Unfortunately, these rights are now under attack in Oregon should the Committee decide to move forward with consideration of Amendment -3. Donors should feel encouraged to diversify their charitable giving and this would send the wrong message. If donors to nonprofit organizations are disclosed, many donors would likely stop giving altogether, meaning less money going to their communities.

The right of Oregonians to give freely and anonymously is protected by the First Amendment. Donors may choose to give anonymously for a variety of reasons including religious reasons, reasons of humility, to avoid solicitations, or in fear of reprisal and harassment. The decision by the U.S. Supreme Court in *Americans for Prosperity Foundation (AFPF) v. Bonta* has reaffirmed the robust protection of privacy rights under the U.S. Constitution. The decision in *AFPF v. Bonta* is a significant victory for privacy rights and underscores the fundamental importance of the right to freely associate without fear of government intrusion.

As was the case with Arizona's "Voters' Right to Know Act," the effort to enact Amendment -3 in Oregon extends well beyond the realm of campaign finance and infringes upon nonprofits right to free speech. Nonprofit organizations that provide important services to the community would be negatively impacted by this potential rule, such as rescue missions, food banks, hospitals, etc.

As it pertains to communications, Amendment -3 would apply to any nonprofit organization which engages in or is a donor to a nonprofit organization which engages in such activity. There simply is no exception for nonprofit organizations. This places the donor(s) in a difficult position: continue donating to a nonprofit organization with full knowledge their personal information may be disclosed or discontinue donating to causes they believe in because they don't want to risk disclosure.

On behalf of Philanthropy Roundtable, thank you for considering this written testimony in strong opposition to Amendment -3/House Bill 4024. Without an exemption for the legal, legitimate instances of nonprofit issue advocacy, this simply cannot proceed to the floor. This is about protecting free speech and continuing to make sure nonprofit resources reach the communities they serve.