TESTIMONY ON HB 4018
in opposition to proposed -6 amendment and -8 amendment

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Rules Committee of Oregon House of Representatives

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Honest Elections Oregon most strenuously opposes the proposed -6 amendment and -8 amendment. The 84-page -6 amendment was first revealed at 5:23 pm on February 9, with hearing scheduled for 8:00 am February 10. The process that produced it excluded all campaign finance reform advocates, including Honest Elections Oregon, the League of Women Voters of Oregon, Common Cause, the Consolidated Oregon Indivisible Network (COIN), the Independent Party of Oregon, Oregon Progressive Party, and Pacific Green Party, among others.

The 95-page -8 amendment was first revealed at 11:33 am on February 11, with hearing scheduled for 8:00 am February 12. The process that produced it excluded all campaign finance reform advocates.

Leaders of the Oregon Legislature in 2024 and again in 2025 pledged to correct technical errors in HB 4024 (2024). But no technical fix bill was considered in the 2025 session, and none has been introduced in this session. Honest Elections Oregon identified the necessary technical fixes in June 2024. Its most recent description was attached to my February 10 testimony, followed by its original version.

The Campaign Legal Center (the nation's leading experts on campaign finance regulation) testifies:

> Unfortunately, while HB 4018-6 has been described as a bill to implement technical fixes to improve and strengthen HB 4024, several of the proposed policies would undermine those historic reforms, fail to accomplish the bill's stated goal, or introduce new ambiguities in the law.

First, HB 4018-6 would weaken laws intended to prevent corruption and provide voters with information about who is spending big money to influence their vote. * * *

Second, the bill fails to fix notable problems that were present in HB 4024 when enacted.

The -6 amendment and -8 amendment to HB 4018 do not fix the technical errors in HB 4024. Instead, they massively change HB 4024 to effectively repeal the contribution limits and disclosure requirements.

We note that no one has refuted my February 10 interpretation of the -6 amendment. I expect no one will refute the analysis below.

THE -8 AMENDMENT APPEARS TO HAVE 2 SUBSTANTIVE CHANGES FROM THE -6 AMENDMENT.

1. I interpret Section 42 of -8 amendment as delaying all contribution limits until January 1, 2031. The contribution limits are in ORS 260.014. Section 42 places ORS 260.014 into the list of sections that go into effect January 1, 2031:

   > "(2) Sections 13 and 14 of this 2026 Act and the amendments to ORS 260.005, 260.009, **260.014,** 260.205, 260.402 and 260.995 and section 14, chapter 9, Oregon Laws 2024, by sections 1a, **2a**, 11, 16, 21, 32 and 35 of this 2026 Act become operative on January 1, 2031.

   This appears to change the effective date for the contribution limits to 2031.

2. The -8 amendment restores this HB 4024 language to ORS 260.014 that was deleted by the -6 amendment:

   > (17) A contributor may not make a contribution, or an aggregate of contributions, during an applicable limitation period, to a recipient that exceeds the amount a recipient may accept under the limitations of subsections (2) to (9) of this section. This subsection does not apply to in-kind

contributions described in subsections (11) and (12) of this section.

So it restores the potential liability of contributors for making unlawful contributions but exempts donors of in-kind donations from such liability.

With the assistance of the Campaign Legal Center, we have now identified below 9 significant, substantive changes so far. These are not the same 9 changes described in my February 10 testimony; several are newly discovered.

THE -6 and -8 AMENDMENTS SUFFER THESE DEFECTS THAT EFFECTIVELY REPEAL THE CONTRIBUTION LIMITS AND DISCLOSURE REQUIREMENTS FOR PERSONS OR ENTITIES THAT CAN AFFORD TO HIRE LAWYERS:

1. The -6/-8 amendment effectively eliminates anti-proliferation requirements on persons and entities making contributions, so that any person or entity (corporation, union, other entity) can contribute up to the full contribution limits several times over by using multiple entities controlled by the person or entity, to make contributions. The -6/-8 amendment restricts the anti-proliferation requirements to entities that were "established for the sole purpose of evading the contribution limit." So if evasion is only one of two purposes, then evasion is allowed.

   Under -6/-8 it would be legal to establish a political committee with the explicit purpose of "evading campaign contribution limits" and also "promoting freedom of speech" or "reducing taxes." In practice, nefarious actors will not state that reason explicitly, and under -6/-8 it will be impossible to enforce a rule that requires proving that the person or entity had only one single motive–evasion of the limits.

2. The -6/-8 amendment entirely destroys the contribution limits by creating a new, unlimited category of financial support for candidates. The Campaign Legal Center (CLC) testifies that Section 10 of the -6/-8 amendment would amend the definition of "contribution" by deleting the provision that provides that a coordinated expenditure is a "contribution." The CLC states that deleting this provision would create "a glaring loophole in all of the contribution limits." It means that any person or entity could coordinate with any candidate and make unlimited payments for advertising or other support, without those outlays counting as "contributions" or subject to any limits whatever.

3. The -6/-8 amendment entirely destroys even the existing disclosure requirements and all new such requirements by creating a new category of financial support for candidates for which reporting and disclosure is not required. The -6/-8 amendment provides that "coordinated expenditures" are not "independent expenditures" and are not "contributions." That leaves them outside the definitions of transactions for which reporting and disclosure are required in any Oregon law. This means that any person or entity could coordinate with any candidate and make unlimited payments for advertising or other support and not report those outlays on ORESTAR or anywhere else.

4. The -6/-8 amendment changes the massive limits on in-kind contributions from any source from an aggregate limit per candidate per year cycle to a limit per contributor per year.

   HB 4024 limited a candidate to accepting an aggregate total of $5,000 in food and beverages, $5,000 in transportation, and 2,500 square feet of office space. The -6/-8 amendment allows the candidate to receive all of those items, and in those amounts, from each and every individual, corporation, union, or other entity. That renders the limits on in-kind contributions illusory.

5. The -6 amendment deleted the ban on donors making contributions that exceed what a recipient can lawfully accept. The -8 amendment restores it.

6. The -6/-8 amendment doubles the limits on contributions into multicandidate committees by changing the denominator from $5,000 per "election cycle" (2 years) to $5,000 per "year."

   Under HB 4024, Multicandidate Committee A could accept $5,000 per election cycle from a wealthy donor. With -6/-8, that same committee can accept $10,000 per election cycle from that donor.

7. The -6/-8 amendment extends the massive allowed in-kind contributions by membership organizations (including over 2,000 hours of staff time per year to each candidate) to any candidate for local office, while the HB 4024 law does not have that special in-kind allowance for membership organizations contributing to local candidates..

   Under -6/-8 a candidate for school board (or City Hall or County Commission, etc.) can accept huge amounts of paid in-kind support from membership organizations. Especially in these smaller races, this is the type of election-distorting influence of campaign spenders that HB 4024 was supposed to reduce.

8. The -6/-8 amendment delays all original source disclosure requirements, including all reporting of the original sources of funds used to make independent expenditures, by 3 years, from 2028 to 2031. It moves the informational dashboard requirement to 2032.

9. The -6/-8 amendment changes the threshold for entities to report their sources of funds for political campaign independent expenditure purposes from an aggregate of $50,000 per election cycle to "not less than $50,000 in an election cycle **for any statewide or local election**."

> Under HB 4024, as soon as an entity becomes a significant independent spender (at $50,000 total during the election cycle), it must start reporting the original sources of the funds from donors to the entity of more than $5,000, if such funds can be used for political purposes. Under -6/-8, an entity could spend $49,000 on independent expenditures for each of 100 candidates and not need to provide any information about where the $4,900,000 came from.

We urge the Committee to reject the -6 and -8 amendments and to reject any amendments developed behind closed doors without public scrutiny.