



Petition 2020-01: Amending the Oregon Constitution to allow limits on political campaign contributions/expenditures

We hope to have this initiative on the November 2020 ballot. We will need more than 117,000 registered Oregon voters to sign the petition in order for the measure to be on the ballot. We have until July 6, 2020 to turn these into the OR Secretary of State.

What does the initiative say? This additional provision would be added to the OR constitution:

Laws consistent with the freedom of speech guarantee of the United States Constitution may regulate contributions and expenditures, of any type or description, to influence the outcome of any election; provided, that such laws are adopted or amended by an elected legislative body by a three-fourths vote of each chamber or by initiative.

What are the limits? This petition contains no limits itself; it just allows limits, which have been enacted or will be enacted, not to not be challenged on the basis that they are unconstitutional. In 2006, Oregon voters approved an initiative with limits; Multnomah County voters enacted limits in 2016; and in 2018 Portland voters approved those same limits. These would go into effect with no question of their constitutionality under the Oregon Constitution with the passage of this proposed constitutional amendment.

Why the requirement that legislative bodies can only enact or change campaign finance laws with a 3/4 majority? The Oregon legislature has in the past used a simple majority to void laws with limits on contributions (1973). Recently (Nov 2016), voters in So. Dakota approved an anti-corruption initiative, including campaign finance reform, only to have their state legislature, controlled by Republicans, overturn it in February before it could ever be used. The legislatures of Missouri and Massachusetts have also repealed campaign finance reform measures adopted by voter initiative. The Massachusetts legislators did it by voice vote, to avoid accountability. With that history, we want to have legislative bodies make changes to our laws regarding money in politics only with a super majority.

Would this undercut Citizens United (CU)? This is kind of hard to answer. Passing this measure could undercut Citizens United but would not necessarily. Citizens United allowed corporations to make "independent expenditures" to help or hurt candidates as long as there is no coordination between the group doing the expenditure and the candidate. But Citizens United does not talk about other political contributions. So, nationally, 45 states and hundreds of cities and counties have limits on campaign contributions and require disclosure of who gives contributions and that is all "legal" under Citizens United. In fact, Citizens United specifically says that disclosure is encouraged, and does not address contribution limits at all.

General notes: Oregon is only 1 of 5 states* with no limits on campaign contributions in political campaigns. Hence, Oregon has among the most expensive elections in the nation, making it that much

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more difficult for grassroots candidates to run for office and be elected. Out-of-state individuals and organizations, such as the Koch Brothers and Robert Mercer (who was primary funder for the climate denier Art Robinson who has run against Peter DeFazio four times), play havoc with our elections. They spent large, huge, sums of money to defeat GMO labeling and measures to increase corporate taxes (Measure 97) without limits on their spending. Phil Knight gave 1/2 million dollars to Gov. Kitzhaber after he called the Oregon Legislature into special session to ensure that future changes to certain provisions of Oregon's corporate tax structure will not result in increased taxes on Nike. And in 2018 he continued by contributing more than \$3.4 million to governor candidate Knute Buehler. Portland's city council races are heavily paid for by land and property developers. Tobacco companies contribute generously to ensure that cigarette taxes do not go up. And we saw soda pop companies spending lots of money to defeat the Multnomah County proposed sugar tax, before it was even proposed.

If we really expect to make progress on the issues we hold dear, we must get control of the influence of big special interest money in our political system. Limiting campaign contributions is one part, a major part, of doing that. Another part is public funding. Another part is ending the legal concept of corporate personhood.

How would public funding of campaigns be impacted? This constitutional amendment would have no impact on public funding of campaigns. The ideal situation would be that we would limit campaign contributions/expenditures and we would have public funding. No state or city, except Portland, has enacted public funding without also having limits on campaign contributions – but now Portland has contribution limits, thanks for Measure 26-200 adopted in 2018. Oregon is one of only five states with no limits; that is in spite of having passed ballot measure 47 in 2006. Measure 47 has limitations as well as disclosure of who is giving. It would go into effect if our measure is approved. Also, Multnomah County enacted limits on contributions with a ballot measure Nov 2, 2016 (89% of voters approved), with Portland following in 2018. These would also go into effect without question of constitutionality under the Oregon Constitution if our proposed ballot measure is approved.

Why do this by ballot initiative? Shouldn't we let the Legislature deal with this? The Legislature has had over 150 years of opportunities to act on the problem but they have failed to do so. In fact, when we have had limits in the past, the Legislature acted specifically to repeal them. The only way to get this done is to do it ourselves.

Wouldn't it be better/easier to simply ban out-of-state campaign contributions? The Oregon Supreme Court has ruled that all limits on campaign contributions are a violation of the Oregon Constitution. It does not matter if those contributions come from in-state sources or out-of-state contributions.

If we limit campaign contributions, won't the money just be diverted to independent expenditures? It depends on how laws are passed or enforced after this amendment is enacted. Laws limiting or requiring that political ads disclose the true funders of those ads can be written. In fact, each of the Multnomah County, City of Portland and Measure 47 measures, which would become enforceable with passage of this measure, have provisions limiting independent expenditures and requiring that ads funded by them prominently disclose their top 5 funders.

**Oregon is one of only five states with no limits on political campaign contributions - Alabama, Nebraska, Oregon, Utah and Virginia. The limits in other states vary widely with some limiting individual contributions while others also limit or prohibit contributions by corporations*

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