

## **HB 4124 A STAFF MEASURE SUMMARY**

### **Joint Committee On Ways and Means**

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**Prepared By:** Kim To, Fiscal Analyst

**Meeting Dates:** 2/27, 2/28

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#### **WHAT THE MEASURE DOES:**

Establishes the 17-member Task Force on Political Campaign Contribution Limits charged with studying the implementation and effectiveness of political contribution limits across the United States and making recommendations on how to best establish effective political contribution limits in Oregon. The Task Force is required to report its findings and recommendations to the Legislature by September 15, 2020. The Task Force sunsets on July 2, 2021. The bill requires LPRO to provide staff support to the Task Force.

Stipulates operative dates for provisions set forth in chapter 3, Oregon Laws 2007 [Ballot Measure 47 (2006)]. The bill directs the Secretary of State to adopt rules necessary to enable implementation of chapter 3, Oregon Laws 2007 [Ballot Measure 47 (2006)]. The Secretary of State must issue proposed rules by December 31, 2020. The bill specifies that the original jurisdiction to determine whether the provisions of chapter 3, Oregon Laws 2007 [Ballot Measure 47 (2006)], are constitutional under the state or federal constitutions is conferred on the Supreme Court. The bill permits any person interested in or affected or aggrieved by chapter 3, Oregon Laws 2007 [Ballot Measure 47 (2006)], to petition for judicial review. A petition for review must be filed no sooner than January 1, 2021, and no later than March 31, 2021.

#### **ISSUES DISCUSSED:**

- Fiscal Impact

#### **EFFECT OF AMENDMENT:**

No amendment.

#### **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. According to the National Conference of State Legislatures, 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.

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.

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 2016 by Multnomah County.

## HB 4124 A STAFF MEASURE SUMMARY

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 sets the operative date for Ballot Measure 47 to July 1, 2021; requires the Secretary of State to adopt implementation rules; gives original jurisdiction to determine constitutionality to the Oregon Supreme Court; and repeals provisions that are found to be unconstitutional. House Bill 4124 repeals the operative date, rulemaking, and judicial review provisions of the measure if the final decision in *Multnomah County v. Elizabeth Trojan* does not render Ballot Measure 47 operative.