

Editorial: A complete betrayal on campaign finance

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By The Oregonian Editorial Board

The League of Women Voters of Oregon isn't known for foot-stomping tantrums or fanatical rhetoric. So, when a representative for the voter education group sits before legislators and denounces a bill as a "complete betrayal," it's worth listening up.

The betrayal in this case is House Bill 4018. The legislation seeks to delay and change portions of a 2024 campaign finance bill that had been negotiated by a coalition of good government groups, including the League, with House Speaker Julie Fahey, labor union representatives and business lobbyists. In exchange for passage of the contribution caps and disclosure requirements in that 2024 legislation, the coalition agreed to pull a developing ballot initiative that would have asked voters to impose limits. Most of the bill's provisions were to go in effect in 2027 — presumably giving plenty of time to work out legislative or implementation issues.

Only now, legislators, lobbyists and the Oregon secretary of state are collectively saying, "Whoa." HB 4018 — this time negotiated by Fahey behind closed doors without any good government representatives — would allow the contribution limits to take effect in January 2027 as originally planned. But it also seeks to delay donor disclosure requirements until 2031, doubles the donation limits in some cases and undoes protections that were central to the original legislation.

Among the worst changes: the bill would weaken the 2024 legislation's "anti-proliferation" provision, which prevents donors from skirting limits by funneling additional contributions to candidates through political action committees, corporations or other entities that they control or create. The new bill would add language that would allow contributions from all those entities provided that they were not created for the "sole purpose" of evading the limits.

That flimsy standard would allow the same powerbrokers who have dominated Oregon politics to continue to do so with ease, said attorney Dan Meek, the longtime campaign finance expert with the Honest Elections Oregon coalition who led the good government groups' negotiations in 2024.

“Complete betrayal” is exactly right. It’s a betrayal not only of the coalition that forced legislators to finally take action in 2024, but of Oregonians who have been clamoring for meaningful contribution limits for decades. Instead, Oregon remains one of only five states in the country that allows unlimited direct contributions to candidates. HB 4018, passed by the House Rules Committee last week with only Republican Alek Skarlatos voting “no,” is now in the Joint Committee for Ways and Means.

Proponents are casting HB 4018 as a way to ensure that campaign finance reforms are done right, with “needed policy clarifications to ensure the program can actually work for everyone” and by giving the secretary of state’s office time to build and implement a software program to handle the data and disclosure, Fahey’s office said. Neither argument, however, holds up.

Start with the supposed “fixes.” There’s the kneecapping of the anti-proliferation provision mentioned above, but critics have pointed out several more.

The 2024 bill laid out limits for contributions based on the type of donor and the office that a candidate is seeking — for instance a \$5,000 donation from an individual to a multicandidate political action committee over a two-year election cycle. But for some of those categories, the new bill shortens the time period from a two-year cycle to one year, while keeping the same dollar amount. If the desire was to establish an annual limit, legislators should have similarly halved the donation total, Meek said.

Additionally, HB 4018 seeks to remove language that expressly defines expenditures by a person or political action committee “with the cooperation” of a candidate as a “contribution.” While proponents contend that’s redundant, because such spending should already be considered a contribution, the intentional legislative act of deleting that language may lead a court to rule otherwise, said David Kolker, senior counsel at the Washington, D.C. -based Campaign Legal Center.

If a court determines such expenditures should not be considered contributions subject to the limits, that could open the door for PACs to coordinate with candidates — or even take over their campaign — and run ads without restriction or disclosure requirements, critics said. It’s like Citizens United, except PACs wouldn’t have to strategize independently of the candidate.

HB 4018 proponents are also arguing that the secretary of state’s office needs more time to build and implement the software for the law’s disclosure and campaign finance website requirements. In fact, Secretary of State Tobias Read said his office could need around \$25 million to build and implement the software on the existing timeline. Even with that, he told

The Oregonian/OregonLive Editorial Board, he worries about getting the technology right and avoiding adding to Oregon's collection of all-time technology debacles, from the \$300 million Cover Oregon failure to the Employment Department's decade-plus software-replacement delay.

Keeping the campaign limit deadlines in place while pushing off the software-dependent disclosure requirements will give the office the chance to deliver on what was promised, he said.

But that's why the testimony last week from Catherine Nikolovski, executive director of Civics Software Foundation, was so compelling. Her nonprofit built the software that runs Portland's Small Donor Elections campaign finance system — an example of an ambitious Oregon technology project that launched successfully and has capably handled the growth and changes over the past six years.

She noted her group's deep familiarity with the state's existing campaign finance software and that the Portland program was designed with the ability to expand for statewide use in mind. Importantly, the Portland program can address most of the elements sought in the state's request for proposals, significantly cutting down on the time and cost needed to tailor it for the state, she said. At the very least, there should be a willingness to explore this alternative rather than let the state blow past its deadlines and take another three to four years to deliver.

There are so many reasons to reject HB 4018 outright — the secret negotiations that excluded campaign finance reformers, the rushed nature of the bill, the changed limits, the weakening of protections and the impact on public trust. And there's only one reason to push the bill through — to retain the same entrenched system of big money politics that Oregonians have sought to defeat in ballot measure after ballot measure after ballot measure. Is it any surprise that legislators of both parties, labor union representatives and big businesses have all expressed their strong support of HB 4018?

Legislators should turn back these changes and work with good-government groups to set this program up for success in 2027. The message from voters has never wavered. Lawmakers shouldn't either.

-The Oregonian/OregonLive Editorial Board