

Memorandum

To: Multnomah County Charter Review Committee

From: Purple Subcommittee

Re: Campaign Finance Reform proposal

Date: June 4, 2016

This memorandum sets forth the reasoning of the Purple Subcommittee for bringing forward the proposed Honest Elections Charter Amendment. The amendment would strengthen our democratic institutions and instill greater confidence in our government. We believe that the people of Multnomah County are likely to support it.

What the proposal accomplishes

Accompanying this memorandum is the current version of the proposed Honest Elections Charter Amendment, dated June 2, 2016.

Enacting the Honest Elections Charter Amendment would accomplish three things: It would (1) limit contributions in Multnomah County candidate elections; (2) limit independent expenditures in Multnomah County candidate elections; and (3) require the disclosure of large campaign contributions and expenditures related to Multnomah County candidate elections in the advertisements funded by such contributions or expenditures.

Why the proposed amendment is right for the people of Multnomah County

In our examination of the facts and issues, the Purple Subcommittee concluded that:

- Excessive money in politics undermines our democratic institutions and confidence in our government. Without limits on the size of campaign contributions and independent expenditures, the wealthy and deep-pocketed entities have undue power in determining which candidate can run a competitive campaign and which one can win. Their influence continues after the election. A groundbreaking study in 2014 by researchers from Princeton and Northwestern University confirmed what most people think: “Economic elites and organized groups representing business interests have substantial independent impacts on U.S. government policy, while mass-based interest groups and average citizens have little or no independent influence.”¹

¹ Martin Gilens and Benjamin I. Page, “Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens,” *Perspective on Politics*, 2014.

- Oregon is an outlier in failing to limit campaign contributions. Only six states in the country, Oregon included, have no limits on campaign contributions.
- Contested races in Multnomah County are becoming increasingly expensive. The race for Chair in 2014 broke the spending records.

There is a good chance that the voters will support the proposed amendment

We believe that the proposed amendment would stand a good chance of winning at the ballot, and that the people of the county ought to be given an opportunity to voice their view. Polling shows that a solid majority of Oregonians — 75%, according to a November 2015 poll by DHM Research — support limiting campaign contributions.

It is also instructive that last fall voters in Seattle, a city with a population similar to that of Multnomah County, overwhelmingly approved a ballot measure enacting campaign finance reform. Among other things, the measure set a \$500 contribution limit for mayoral candidates and a \$250 limit for city council candidates.

If it gets challenged, that is a good thing

We recognize that the limits on contributions and independent expenditures are likely to be challenged in court, and we welcome that prospect.

It has been 19 years since the Oregon Supreme Court ruled that limiting campaign contributions violates the Oregon Constitution's free speech clause. Subsequent case law, however, provides a basis upon which the Court could rule differently. The makeup of the Oregon Supreme Court has changed entirely since 1997 (The makeup of the U.S. Supreme Court has also changed since its 2010 ruling on *Citizens United*, a 5-4 decision that depended upon Justice Scalia).

The law is not static; it evolves with time and even changes abruptly. The people of Multnomah County would do the state and the nation a favor by giving the Oregon Supreme Court and the U.S. Supreme Court an opportunity to do the right thing by allowing the people to curb the influence of money in politics.