

CAMPAIGN FINANCE REFORM IN OREGON: NO EASY ANSWERS

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I am here to offer a view of campaign finance reform in Oregon from the trenches. I come at this question from a few different angles. My first year after college, 1996, I managed an Oregon legislative campaign. This was the one election cycle in which Oregon operated under strict contribution limits of 100 dollars per donor. The state Supreme Court later overturned these limits.

I would never want to run another campaign under that system. As state house races go, this was a high-profile race and even then we could not raise enough money to fund a serious messaging campaign. The real messaging work was done and paid for by outside interests, entirely without the candidate's input because of the prohibition on coordinating. That is no way to run an election, and it is one reason why I will be supportive of Oregon Secretary of State Kate Brown's push for limits more reasonable than those that would be automatically triggered here in Oregon if the *Vannatta*¹ case is ever overturned.

During law school, I interned at the Federal Election Commission. After graduation I practiced political law, was a candidate in three election cycles, and for several sessions I served on the House committee, which I now chair, that deals with all election issues.

While I don't pretend to have the expertise of today's other speakers, I have spent a fair amount of time thinking about this issue. This experience leads me to be somewhat ambi

limits is very much questionable. One of the key objectives of any campaign finance systems should be accountability. This objective is better met by having money—even large sums of money—given to the candidate directly under a robust disclosure system like we have in Oregon. During the current legislative session we may consider legislation to improve the disclosure system around independent expenditures, which would obviously strengthen the system further.

I also believe one of the purported benefits of contribution limits, that of reducing undue influence over candidates, is somewhat exaggerated. Oregon is an illustrative case. To use my own “side” as an example, public employee unions spent several million dollars in the 2012 election cycle, almost exclusively on Democratic candidates. To those who believe that the unions therefore have undue influence, it is of little relevance how much of that money was spent in the form of direct contributions to candidates and how much was spent independently. In either case, the donor is on record supporting the favored candidate; everyone knows it.

For purposes of this discussion, we need not try to settle the question of whether undue influence exists. My point here is simply that if one believes that large-scale financial support gives a donor clout in the legislative process, it likely doesn’t matter very much whether the spending was done through contribution or independent expenditure.

These are two credible arguments against contribution limits. The basic problem is that the money is always going to find its way into the system as long as the demand for it exists. The post-*Buckley* era shows this if nothing else. True reform, in my view, would therefore consist of reducing that demand rather than trying to squash the supply.

One route is through public financing, although I am generally pessimistic that this route would succeed. Another is to mandate that candidates be given some baseline amount of free time on television and radio. Unfortunately, it has been some time since the federal government showed much interest in placing such conditions on the private exercise of domain over the public airwaves.

If reducing the demand for campaign money is a chimera and we are stuck in a world of unrestricted spending, then we are left asking how best to manage the demand. To return our focus to the question of contribution limits, I would like to offer a few reasons why they may be worthwhile despite the strong points in opposition.

First, I believe that a contribution limit may be an end in itself. The public believes that too much money is spent on elections and that having limits will reduce the risk of undue influence. As I've

