

On deepening democracy and democratic practices in the State of Oregon's

Hey, let's start with some good news.

Many reports rank Oregon among the highest in terms of its democratic practices. But the bad news is: it is never at the top of any of them. More bad news: Not all reports rank Oregon among the highest; in fact, one report from the Center for Public Integrity gave Oregon an F. Most notably, it gave Oregon an F on limits on campaign contributions.

You have all heard this: Because of the special free speech protections in our state constitution, we cannot limit political money in Oregon. That is what the Oregon Supreme Court has said time and time again. Therefore, Oregon is one of only 4 states with no enforced limits on campaign contributions.

So the first step in deepening democracy in Oregon is to amend the OR constitution to allow limits on campaign contributions/expenditures. And we will have that opportunity this November. Yes, a constitutional amendment will be on the ballot – Ballot Measure 107 allows laws to be enacted which limit campaign contributions by city, county or state governmental entities or via the initiative process.

But you may ask: Don't I remember that the OR Supreme Court within the past year reversed itself and said that such limits are indeed constitutional? If so, then why do we need to pass this ballot measure?

You would be right if you remember that. The OR Supreme Court indeed did reverse it's prior decisions, declaring such limits to be constitutional. But we fear that just as we were able to finally get the Supreme Court to reverse it's prior decisions, sometime in the future, special interests will persuade the Oregon Supreme Court to change its mind again, declaring that limits are unconstitutional. So we need to actually put it in the state Constitution, making it beyond the reach of the OR Supreme Court.

And BM 107 does more than allow limits on campaign contributions. It adds two other provisions – provisions which OR Supreme Court decisions has never issued rulings on. BM 107 also amends the Oregon constitution to allow enactment of laws which

- Require the disclosure of political contributions and spending
- Require that political ads disclose who paid for them

So those provisions would now be in the constitution and not subject to future OR Supreme Court decisions.

Note that the amendment **ALLOWS** the enactments of such laws. No limits are including in BM 107 itself. It is up to us to enact them for state elections, city elections and county elections. Well, Portland and Multnomah County have already done this and another part of BM107 allows those laws to go into effect. But what about the rest of Oregon? Having a strong Yes vote on BM107 sends a strong message that Oregon voters support and want effective limits on campaign contributions.

Besides the State, BM107 also allows city and counties to enact limits and disclosure requirements. **NOW** is a great time to start the drum beat for

such laws. Contact your city and county commissioners, express your interest in enacting limits at the local level. They don't have to wait. They could actually enact such laws right now. You should express your interest and support of such laws **NOW**.

And contact members of the legislature & candidates for political offices at all levels; let them know that you expect them to **act** for limiting campaign contributions. And that this is a **really important issue** to you.

What might those limits look like, you might ask. Well, for city and counties we have a model in both Portland and Multnomah County in the measures that have already been enacted. Just some small changes to localize them to where you live and you are good to go. Contact me and Honest Elections and we will work with you to get this done. **YES, WE CAN GET THIS DONE!**

As noted, Portland already has passed such a law. The folks at Honest Elections conducted an initiative campaign, collecting the signatures of Portland voters and got it on the ballot. And then passed it with 87% Yes vote. That is one way to do this – using the initiative process.

A somewhat different approach was used in Multnomah County. Every 10 years cities and counties go through a Citizen City or County Charter Review process. We at Honest Elections became part of the Multnomah County Charter Review Committee and persuaded the committee to refer, with some changes of our suggested language, our measure directly to the ballot. **No signature gathering; just direct to the ballot.** So check with your

city or county and see when they will have a Charter Review. This measure was approved with **89% YES** Vote.

Or you could ask your city council or county commissioners to refer a measure to the ballot. Or if your measure would not amend a city or county charter, your city/county commissions could just enact limits themselves.

Whichever method makes sense where you are at, use it and let's work together to get this done across the state. Every city/county as well as the state needs to enact their own but effective limits. What should those limits look like? One base line limit should be **a ban on corporate contributions**. Another requirement should be that on political ads themselves, disclosure of the top funders must be shown.

So, we must get BM107 approved in Nov by a strong majority. Your help is needed: join the campaign to enact BM 107. Visit the campaign website at www.fairandhonestelections.org. Click on the Take Action button to donate to the campaign and to Join the Campaign. We can have limits on money in Oregon. The first step is for you to vote Yes in November for Ballot Measure 107, and to get your family and friends to vote Yes as well.

Another report ranking states on democracy issues was issued by Unity America, ranking states on five democracy issues:

- [ranked-choice voting](#),
- automatic voter registration,
- voting by mail,
- primaries open to all voters and

- taking partisanship out of electoral mapmaking.

In this report, Oregon scored a D, receiving just 10 of 40 possible points. Those ten points were all earned because we had “Vote at Home, mail in ballots”, and automatic voter registration. No points received for ranked choice voting. Well, we don’t have ranked-choice voting yet. However, Ranked Choice Voting will be used in Benton County for the first time in Nov. And advocates expect to have a legislative proposal for state-level Ranked Choice Voting in the 2021 legislative session.

Ranked Choice Voting is important because it gets rid of the so-called spoiler effect of minor party candidates when they participate in elections. With Ranking Choice Voting, we always end up with the winning candidate elected having a majority of the votes instead of just a plurality of votes.

Ranked Choice Voting gets a winner with majority support without a spoiler effect by a strong third candidate, all done in a single election. It is already used in eighteen American cities including San Francisco, Minneapolis and Santa Fe. Maine has used Ranked Choice Voting in federal elections. Three states used ranked choice voting in their Democratic presidential primary elections. It is no longer an untested reform. It works.

Regarding open primaries, Oregon has had a couple of proposals for open primaries or top two primaries. In Oregon these proposals have all been defeated, for a variety of reasons. I don’t know of any other proposals for Open Primaries at this time.

The last of the reforms in this last report was redistricting reform – the redrawing of political boundaries which are required following the once a decade national census. Currently that is the responsibility of the Oregon legislature. The reform removes that responsibility from politicians and puts it into a committee of citizens. Here in Oregon, we had an initiative campaign going to move responsibility to a citizens commission of 12 composed of 4 Democrats, 4 Republicans and 4 individuals without ties to either major party. That initiative was derailed by the pandemic. So it will not be on the November ballot. The redrawing of political boundaries next year will remain, the responsibility of politicians in the legislature and the courts.

But there are other reforms that Oregon needs to make to put us at the top of democracy ratings.

- Allow same day voter registration and voting
- Allow counting of ballots based on having ballots post marked by election day
- Reform the legislative quorum requirement from 3/5 to simple majority to end legislative walk-outs.
- Provide public funds to candidates running if they don't take private special interest campaign contributions. A creative public funding program is being used in Portland for the first time in this election cycle. The program needs to be expanded, including to the state level.

- And these two reforms will not affect our democracy rankings, at the Federal level, but for democracy's sake, we must,
 - continue to support Move to Amend's proposed US constitutional amendment declaring that corporations are not people and money is not speech (HJR48). It is co-sponsored by Representatives Blumenauer, DeFazio and Bonamici.
 - And two, support a federal constitutional amendment for a constitutional right to vote for everyone (introduced this year as HJR93 – Oregon's only co-sponsor is Rep. Blumenauer). Most of us assume that we have a constitutional right to vote, but, while such a right exists for former male slaves and for women, others are not covered. The need was really clear in the Presidential election of Bush vs Gore, in which the US Supreme Court declared an end of vote-counting in Florida, giving the election to George Bush. A constitutional right to vote would have required that the vote counting, or in this case, the recounting, should continue until all votes were counted.

There are a lot more reforms we need to make but we don't have time to review more right now. Most importantly, lets see that BM 107 passes strongly in Nov. And contact all your elected representatives, local and state, express your desire that they support and enact strong limits. And if you are so inclined, join in efforts to actually enact those limits, especially at the

local level. Remember that I and Honest Elections are very willing to help with those efforts. Let's get started now!

Thank you

Due to meet time requirement, I had to leave below out of my presentation

So far all we have been talking about are candidate elections. But there are other issues, like, for instance, regarding how initiatives are put on the ballot, especially this year. It appears that only two initiatives will be on the ballot due to the pandemic interfering with voter signature gathering. Even in good times, the process of gathering all those signatures is very expensive, leading to only initiatives which have backing from "elitist" organizations from making it to the ballot. Dan Meek, a public interest attorney who has bought all the ballot measures for limiting campaign contributions to the ballot has suggested a different method – The Initiative Primary. Dan Meek explained the process thus: "Under the initiative primary, any individual or group could gather a significant number of signatures (perhaps 10,000 or 5,000 from volunteers only) to qualify the measure for inclusion in the May Voters Pamphlet, along with pro and con arguments about the measure. The voters would then vote ...for those measures that they would like to see on the November ballot. Those measures that receive a majority of yes votes would be included on the November ballot for voters to enact or reject. Simple." But there are no known efforts to get this on the ballot or for it to be enacted by the legislature. But something for us to consider.

So that is a long list of possible laws that we in Oregon could enact that would deepen democracy. But the most important that can be worked on right now is the OR Constitutional Amendment to allow limits on campaign contributions. Please visit the campaign website at www.fairandhonestelections.org
Click on the Take Action tab to join the campaign and/or to make a donation.

Thank you.

Text of 15th Amendment: “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.”