

A-Engrossed House Joint Memorial 6

Ordered by the House June 19
Including House Amendments dated June 19

Sponsored by Representatives CLEM, HOLVEY; Representatives BARNHART, DEMBROW, KENY-GUYER, TOMEI, VEGA PEDERSON, WILLIAMSON, WITT (at the request of Marion County Move to Amend) (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Urges Congress to propose constitutional amendment to limit certain political contributions.

JOINT MEMORIAL

1
2 To the President of the United States and the Senate and the House of Representatives of the United
3 States of America, in Congress assembled:

4 We, your memorialists, the Seventy-seventh Legislative Assembly of the State of Oregon, in
5 legislative session assembled, respectfully represent as follows:

6 Whereas free speech is a right held by natural persons, recognized and protected by the First
7 Amendment to the United States Constitution; and

8 Whereas corporations, limited liability companies and partnerships, associations and other legal
9 entities established under and granted privileges by local, state and federal laws make important
10 contributions to our society but are not to be equated with natural persons; and

11 Whereas the rights and privileges of legal entities are established and protected through exist-
12 ing statutes and judicial case law; and

13 Whereas the decision to regulate corporate financial campaign contributions and expenditures
14 is one that, historically, Congress and the states have been constitutionally allowed to address; and

15 Whereas in 2010 the United States Supreme Court issued its decision in *Citizens United v. Fed-*
16 *eral Election Commission* (558 U.S. 310 (2010)), ruling that Congress and the states lack the consti-
17 tutional right to ban independent corporate expenditures to political campaigns for public office; and

18 Whereas in the *Citizens* decision the United States Supreme Court relied on its previously issued
19 opinion in *Buckley v. Valeo* (424 U.S. 1 (1976)), equating the spending of money for electing candi-
20 dates to public office with speech; and

21 Whereas the *Citizens* decision has allowed for the creation of super political action committees
22 in election campaigns for public office that have made unregulated campaign expenditures in un-
23 precedented amounts; and

24 Whereas the Seventy-seventh Legislative Assembly of the State of Oregon has grave concerns
25 regarding the implications of the United States Supreme Court's decision in its five-to-four ruling in
26 *Citizens*; and

27 Whereas the opinion of the four dissenting justices noted that corporations have certain privi-
28 leges not enjoyed by natural persons, such as limited liability, perpetual life and favorable treatment

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 of their accumulation and distribution of assets, which enables them to financially overwhelm indi-
2 vidual natural persons in the political process; and

3 Whereas Congress, state legislatures and local legislative bodies should have the authority to
4 regulate political contributions and expenditures; and

5 Whereas based on the American values of fair play, leveling the playing field and ensuring that
6 all citizens, regardless of wealth, have an opportunity for their political views to be heard, there is
7 a valid rationale for regulating political spending; and

8 Whereas it is imperative that Congress and the state legislatures be allowed to exercise their
9 authority to make their own decisions about the regulation of political expenditures by individuals
10 and legal entities; and

11 Whereas this policy requires that the United States Constitution be amended to authorize con-
12 gressional or state regulation of political contributions and expenditures; now, therefore,

13 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

14 That we, the Seventy-seventh Legislative Assembly of the State of Oregon, respectfully urge the
15 Congress of the United States of America to propose and send to the states for ratification an
16 amendment to the United States Constitution consistent with the findings of this memorial, clarify-
17 ing the distinction between the rights of natural persons and the rights of corporations and other
18 legal entities; and be it further

19 Resolved, That the proposed amendment to the United States Constitution should clarify that
20 Congress and state legislatures may regulate all moneys raised and spent for political purposes; and
21 be it further

22 Resolved, That a copy of this memorial shall be sent to the President of the United States, to
23 the Senate Majority Leader, to the Speaker of the House of Representatives and to each member
24 of the Oregon Congressional Delegation.

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