

Enrolled
House Joint Memorial 6

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

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

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

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

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

Whereas the rights and privileges of legal entities are established and protected through existing statutes and judicial case law; and

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

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

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

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

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

Whereas the opinion of the four dissenting justices noted that corporations have certain privileges not enjoyed by natural persons, such as limited liability, perpetual life and favorable treatment of their accumulation and distribution of assets, which enables them to financially overwhelm individual natural persons in the political process; and

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

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

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

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

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

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

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

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

Adopted by House June 21, 2013

Ramona J. Line, Chief Clerk of House

Tina Kotek, Speaker of House

Adopted by Senate July 1, 2013

Peter Courtney, President of Senate