

## HOUSE AMENDMENTS TO HOUSE JOINT MEMORIAL 6

By COMMITTEE ON RULES

June 19

1 Delete lines 6 through 22 of the printed joint memorial and insert:

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

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

7 “Whereas the rights and privileges of legal entities are established and protected through ex-  
8 isting statutes and judicial case law; and

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

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

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

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

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

24 “Whereas the opinion of the four dissenting justices noted that corporations have certain privi-  
25 leges not enjoyed by natural persons, such as limited liability, perpetual life and favorable treatment  
26 of their accumulation and distribution of assets, which enables them to financially overwhelm indi-  
27 vidual natural persons in the political process; and

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

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

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

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

3           Delete lines 24 through 30 and insert:

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

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

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

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