

**Minority Report**  
**B-Engrossed**  
**House Joint Memorial 6**

Ordered by the Senate June 28  
Including House Amendments dated June 19 and Senate Minority  
Report Amendments dated June 28

Sponsored by nonconcurring members of the Senate Committee on Rules: Senators STARR, FERRIOLI

**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, unions, limited liability companies and partnerships, associations and  
9 other legal entities established under and granted privileges by local, state and federal laws make  
10 important 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 or union financial campaign contributions and  
14 expenditures is one that, historically, Congress and the states have been constitutionally allowed to  
15 address; and

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

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

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

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

**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 *Citizens*; and

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

6       Whereas Congress, state legislatures and local legislative bodies should have the authority to  
7 impose reasonable regulations on political contributions and expenditures; and

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

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

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

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

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

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

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

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