

House Joint Memorial 201

Sponsored by Representatives HUFFMAN, HOYLE, Senators EDWARDS, THOMSEN; Representatives BARKER, BARNHART, BARRETO, BUCKLEY, ESQUIVEL, GALLEGOS, GORSEK, HELM, HOLVEY, KENY-GUYER, LIVELY, NOSSE, PILUSO, RAYFIELD, REARDON, SMITH WARNER, VEGA PEDERSON, WILSON, Senators BATES, BEYER, BOQUIST, DEMBROW, HASS, MONNES ANDERSON, MONROE, RILEY, ROBLAN, SHIELDS, STEINER HAYWARD (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 **as introduced**.

Applies to Congress to call amendment convention for purpose of proposing amendments to United States Constitution that address campaign finance reform.

JOINT MEMORIAL

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

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

Whereas American elections should be free of the corrupting influence of excessive spending by outside interests and fair enough that any citizen can run for public office; and

Whereas the first President of the United States, George Washington, stated, "The basis of our political systems is the right of the people to make and to alter their constitutions of government"; and

Whereas it was the stated intention of the framers of the United States Constitution that Congress should be "dependent on the people alone" (James Madison, Federalist No. 52); and

Whereas that dependency has evolved from a dependency on the people alone to a dependency on those who spend excessively in elections, through campaigns or third-party groups; and

Whereas the United States Supreme Court ruling in *Citizens United v. Federal Election Commission* (558 U.S. 310 (2010)) removed restrictions on amounts of independent political spending, and further decisions of the nation's high court both before and afterward have eroded the foundations of representative democracy in America; and

Whereas these decisions have resulted in powerful economic forces having unjust influence that supplants the will of the people by undermining our ability to choose political leadership, write our own laws and determine the fate of our state; and

Whereas the founding fathers of this nation never intended the rights of natural persons protected in the Constitution of the United States to be applied to artificial entities; and

Whereas Congress and the states should be authorized to place limits on political contributions and expenditures to ensure that all citizens have access to the political process and to require that all contributions and expenditures be fully and immediately disclosed to the public; and

Whereas Article V of the United States Constitution empowers the people and states of the United States of America to use the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that undermine the heart of our democracy and

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 republican form of government; and

2 Whereas Article V of the United States Constitution requires Congress to call a convention for
3 proposing amendments to the Constitution upon “the Application of the Legislatures of two thirds
4 of the several States”; and

5 Whereas the State of Oregon sees the need for a convention to propose amendments in order
6 to address concerns such as those raised by the decision of the United States Supreme Court in
7 *Citizens United* and related cases and events long before and afterward addressing a substantially
8 similar purpose, and desires that said convention should be limited to these concerns; and

9 Whereas the State of Oregon desires that the delegates to the convention be composed equally
10 of individuals currently elected to state and local office, or be selected by election in each con-
11 gressional district for the purpose of serving as delegates; and

12 Whereas the State of Oregon desires that individuals elected or appointed to federal office, now
13 or in the past, be prohibited from serving as delegates to the convention, and intends to retain the
14 ability to restrict or expand the power of its own delegates within the limits expressed herein; and

15 Whereas the State of Oregon intends that this be a continuing application considered together
16 with applications calling for a convention adopted or currently pending in other states, including the
17 State of New Jersey, the State of Vermont, the State of Illinois and the State of California, and fu-
18 ture applications until such time as two-thirds of the several states have applied for a convention
19 and said convention is convened by Congress; now, therefore,

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

21 (1) We, the members of the Seventy-eighth Legislative Assembly, pursuant to Article V of the
22 United States Constitution, hereby petition Congress to call a convention for the purpose of pro-
23 posing amendments to the United States Constitution relating to the subjects described in the pre-
24 amble of this joint memorial as soon as two-thirds of the several states have applied for a
25 convention.

26 (2) For purposes of determining whether two-thirds of the states have applied for a convention,
27 we intend that this application be aggregated with the applications of any other state legislature
28 that includes any of the subjects set forth in the preamble of this joint memorial.

29 (3) A copy of this memorial shall be sent to the Vice President of the United States, to the
30 Senate Majority Leader, to the Secretary of the Senate, to the Speaker of the House of Represen-
31 tatives, to the Clerk of the House of Representatives, to the Archivist of the United States, to each
32 member of the Oregon Congressional Delegation and to the presiding officers of the legislative
33 chambers in each state of the United States requesting their cooperation in issuing a petition to
34 Congress to call a convention for the purpose of proposing amendments pursuant to Article V of the
35 United States Constitution.

36
