

Senate Joint Memorial 9

Sponsored by Senators DINGFELDER, BATES, Representative DEMBROW; Senators BOQUIST, EDWARDS, MONNES ANDERSON, STEINER HAYWARD

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**.

Urges Congress to propose amendment to United States Constitution that will overturn United States Supreme Court decision *Citizens United v. Federal Election Commission* and ensure that federal, state and local governments have authority to regulate campaign contributions and expenditures.

JOINT MEMORIAL

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 and fair elections are essential to American democracy and effective self-governance; and

Whereas individual human beings are rightfully recognized as the only persons with a right to vote in elections; and

Whereas, because money is property and a means of amplifying speech but is not speech itself, Congress and state and local governments should have the authority to regulate campaign contributions and expenditures; and

Whereas corporations are legal entities granted privileges by local, state and federal governments; and

Whereas corporations can and do make important contributions to our society, but are not to be equated with human beings and granted constitutional rights; and

Whereas corporations are entities created by law, allowed to exist in perpetuity and able to maintain a presence in many nations simultaneously; and

Whereas corporations do not have a right to vote in elections and, therefore, should not be categorized as persons for purposes related to elections; and

Whereas corporations are not explicitly guaranteed rights in the United States Constitution as adopted by the Constitutional Convention; and

Whereas Congress and the states have not recognized corporations as persons in any amendment to the United States Constitution; and

Whereas the Supreme Court in *Citizens United v. Federal Election Commission* eliminated many of the restrictions on corporate spending in the electoral process, including any total prohibition on election-related spending; and

Whereas the *Citizens United v. Federal Election Commission* decision creates an unlevel playing field between individual human beings, who have the right to vote in elections, and corporations, which do not have the right to vote in elections; 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 Whereas the *Citizens United v. Federal Election Commission* decision negates over a century of
2 Congressional legislation prohibiting or otherwise restricting corporate contributions to federal
3 election campaigns, dating back to the Tillman Act of 1907; and

4 Whereas the *Citizens United v. Federal Election Commission* decision compels candidates for
5 public office to divert their attention from the interests and needs of their human constituents in
6 order to raise campaign funds sufficient for election; and

7 Whereas corporations are not and never have been individual human beings and, therefore,
8 should not be the legal equivalent of individual human beings for the purpose of elections; and

9 Whereas based on the American value of fair play, leveling the playing field should be a valid
10 rationale for the regulation of political campaign spending by individuals, corporations and political
11 committees; and

12 Whereas the only way to restore our democracy is to amend the United States Constitution to
13 allow Congress and the states to make and pass laws related to campaign finance reform; now,
14 therefore,

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

16 (1) The Congress of the United States of America is urged to propose an amendment to the
17 United States Constitution for the states' consideration to ensure all of the following:

18 (a) That Congress shall have power to regulate the raising and spending of money and in-kind
19 equivalents with respect to federal elections, including setting limits on:

20 (A) The amount of contributions to candidates for nomination or election to federal office; and

21 (B) The amount of expenditures that may be made by, in support of or in opposition to candi-
22 dates.

23 (b) That states have power to regulate the raising and spending of money and in-kind equiv-
24 alents with respect to state elections, including setting limits on:

25 (A) The amount of contributions to:

26 (i) Candidates for nomination or election to state office;

27 (ii) State referenda; and

28 (iii) State ballot initiatives; and

29 (B) The amount of expenditures that may be made by, in support of or in opposition to candi-
30 dates, referenda or ballot initiatives.

31 (c) That local governments have power to regulate the raising and spending of money and in-
32 kind equivalents with respect to local elections, including setting limits on:

33 (A) The amount of contributions to:

34 (i) Candidates for nomination or election to local office;

35 (ii) Local referenda; and

36 (iii) Local ballot initiatives; and

37 (B) The amount of expenditures that may be made by, in support of or in opposition to candi-
38 dates, referenda or initiatives.

39 (2) A copy of this memorial shall be sent to the President of the United States, the Senate Ma-
40 jority Leader, the Speaker of the House of Representatives and each member of the Oregon Con-
41 gressional Delegation.

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