

DRAFT

SUMMARY

Applies to Congress to call 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 Eightieth 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

1 of representative democracy in America; and

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

6 Whereas the founders of this nation never intended the rights of natural
7 persons protected in the Constitution of the United States to be applied to
8 artificial entities; and

9 Whereas Congress and the states should be authorized to place limits on
10 political contributions and expenditures to ensure that all citizens have ac-
11 cess to the political process and to require that all contributions and ex-
12 penditures be fully and immediately disclosed to the public; and

13 Whereas Article V of the United States Constitution empowers the people
14 and states of the United States of America to use the constitutional amend-
15 ment process to correct those egregiously wrong decisions of the United
16 States Supreme Court that undermine the heart of our democracy and re-
17 publican form of government; and

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

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

26 Whereas the State of Oregon desires that the delegates to the convention
27 be composed equally of individuals currently elected to state and local office,
28 or be selected by election in each congressional district for the purpose of
29 serving as delegates; and

30 Whereas the State of Oregon desires that individuals elected or appointed
31 to federal office, now or in the past, be prohibited from serving as delegates

1 to the convention, and intends to retain the ability to restrict or expand the
2 power of its own delegates within the limits expressed herein; and

3 Whereas the State of Oregon desires that the Attorney General of the
4 State of Oregon take all actions necessary to ensure that the purpose ex-
5 pressed herein is served, including by taking all authorized legal action to
6 restrict, recall, replace, enjoin and prosecute delegates, Congress or other
7 parties when necessary to maintain restrictions on delegates and other as-
8 pects of the Article V convention process, including the limit on delegates
9 to discuss only proposed amendments to the United States Constitution on
10 the topic of campaign finance reform; and

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

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

19 (1) We, the members of the Eightieth Legislative Assembly, pursuant to
20 Article V of the United States Constitution, hereby petition Congress to call
21 a convention for the purpose of proposing amendments to the United States
22 Constitution relating to the subjects described in the preamble of this joint
23 memorial as soon as two-thirds of the several states have applied for a con-
24 vention.

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

29 (3) To the extent permitted by law, the Attorney General of the State of
30 Oregon is authorized to initiate or intervene in one or more civil actions on
31 behalf of the Legislative Assembly in a court of competent jurisdiction to

1 seek any appropriate relief necessary to bring about the purpose of this joint
2 memorial, including action resulting from an act or failure to act by a con-
3 vention convened pursuant to Article V of the United States Constitution,
4 any delegate or potential delegate thereof, Congress, the head of any de-
5 partment or agency or any other officer, employee or agent of the Federal
6 Government or the government of the State of Oregon.

7 (4) A copy of this memorial shall be sent to the Senate Majority Leader,
8 to the Secretary of the Senate, to the Speaker of the House of Represen-
9 tatives, to the Clerk of the House of Representatives, to the Archivist of the
10 United States, to each member of the Oregon Congressional Delegation and
11 to the presiding officers of the legislative chambers in each state of the
12 United States requesting their cooperation in issuing a petition to Congress
13 to call a convention for the purpose of proposing amendments pursuant to
14 Article V of the United States Constitution.