

Senate Joint Memorial 201

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

JOINT MEMORIAL

1
2 To the Senate and the House of Representatives of the United States of America, in Congress as-
3 sembled:

4 We, your memorialists, the Eightieth Legislative Assembly of the State of Oregon, in legislative
5 session assembled, respectfully represent as follows:

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

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

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

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

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

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

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

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

27 Whereas Article V of the United States Constitution empowers the people and states of the
28 United States of America to use the constitutional amendment process to correct those egregiously
29 wrong decisions of the United States Supreme Court that undermine the heart of our democracy and
30 republican form of government; 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 Article V of the United States Constitution requires Congress to call a convention for
 2 proposing amendments to the Constitution upon “the Application of the Legislatures of two thirds
 3 of the several States”; and

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

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

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

14 Whereas the State of Oregon desires that the Attorney General of the State of Oregon take all
 15 actions necessary to ensure that the purpose expressed herein is served, including by taking all
 16 authorized legal action to restrict, recall, replace, enjoin and prosecute delegates, Congress or other
 17 parties when necessary to maintain restrictions on delegates and other aspects of the Article V
 18 convention process, including the limit on delegates to discuss only proposed amendments to the
 19 United States Constitution on the topic of campaign finance reform; and

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

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

26 (1) We, the members of the Eightieth Legislative Assembly, pursuant to Article V of the United
 27 States Constitution, hereby petition Congress to call a convention for the purpose of proposing
 28 amendments to the United States Constitution relating to the subjects described in the preamble of
 29 this joint memorial as soon as two-thirds of the several states have applied for a convention.

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

33 (3) To the extent permitted by law, the Attorney General of the State of Oregon is authorized
 34 to initiate or intervene in one or more civil actions on behalf of the Legislative Assembly in a court
 35 of competent jurisdiction to seek any appropriate relief necessary to bring about the purpose of this
 36 joint memorial, including action resulting from an act or failure to act by a convention convened
 37 pursuant to Article V of the United States Constitution, any delegate or potential delegate thereof,
 38 Congress, the head of any department or agency or any other officer, employee or agent of the
 39 Federal Government or the government of the State of Oregon.

40 (4) A copy of this memorial shall be sent to the Senate Majority Leader, to the Secretary of the
 41 Senate, to the Speaker of the House of Representatives, to the Clerk of the House of Represen-
 42 tatives, to the Archivist of the United States, to each member of the Oregon Congressional Delega-
 43 tion and to the presiding officers of the legislative chambers in each state of the United States
 44 requesting their cooperation in issuing a petition to Congress to call a convention for the purpose
 45 of proposing amendments pursuant to Article V of the United States Constitution.

