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LEGISLATIVE COUNSEL'S DIGEST

AJR No.

as introduced, Wieckowski.

General Subject: Campaign finance reform.

This measure would memorialize the Legislature's disagreement with the decision of the United States Supreme Court in Citizens United v. Federal Election Commission, and would call upon the United States Congress to propose and send to the states for ratification a constitutional amendment to overturn Citizens United v. Federal Election Commission and to restore constitutional rights and fair elections to the people.

Fiscal committee: no.



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Assembly Joint Resolution No. _____
Relative to campaign finance reform.



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WHEREAS, The protections afforded by the First Amendment to the United States Constitution to the people of our nation are fundamental to our democracy; and

WHEREAS, The First Amendment to the United States Constitution was designed to protect the free speech rights of people, not corporations; and

WHEREAS, Corporations are not people but, instead, are entities created by the laws of states and nations; and

WHEREAS, For the past three decades, a divided United States Supreme Court has transformed the First Amendment into a powerful tool for corporations seeking to evade and invalidate democratically enacted reforms; and

WHEREAS, This corporate misuse of the First Amendment and the United States Constitution reached an extreme conclusion in the United States Supreme Court's ruling in *Citizens United v. Federal Election Commission* (2010) 130 S.Ct. 876; and

WHEREAS, The United States Supreme Court's ruling in *Citizens United v. Federal Election Commission* overturned longstanding precedent prohibiting corporations from spending their general treasury funds in our elections; and

WHEREAS, The opinion of the four dissenting justices in *Citizens United v. Federal Election Commission* noted that corporations have special advantages not enjoyed by natural persons, such as limited liability, perpetual life, and favorable treatment of the accumulation and distribution of assets, that allow them to spend prodigious sums on campaign messages that have little or no correlation with the beliefs held by natural persons; and

WHEREAS, The United States Supreme Court's ruling in *Citizens United v. Federal Election Commission* will now unleash a torrent of corporate money in our



political process unmatched by any campaign expenditure totals in United States history;
and

WHEREAS, Citizens United v. Federal Election Commission purports to invalidate state laws and state constitutional provisions separating corporate money from elections; and

WHEREAS, The United States Supreme Court's ruling in Citizens United v. Federal Election Commission represents a serious and direct threat to our democracy;
and

WHEREAS, The general public and political leaders in the United States have recognized, since the founding of our country, that the interests of corporations do not always correspond with the public interest and that, therefore, the political influence of corporations should be limited; and

WHEREAS, In 1816, Thomas Jefferson wrote, "I hope we shall ... crush in [its] birth the aristocracy of our monied corporations which dare already to challenge our government to a trial of strength and bid defiance to the laws of our country"; and

WHEREAS, Article V of the United States Constitution empowers and obligates 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 go to the heart of our democracy and republican form of self-government; and

WHEREAS, Notwithstanding the decision in Citizens United v. Federal Election Commission, legislators have a duty to protect democracy and guard against the



potentially detrimental effects of corporate spending in local, state, and federal elections; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully disagrees with the majority opinion and decision of the United States Supreme Court in Citizens United v. Federal Election Commission; and be it further

Resolved, That the Legislature of the State of California calls upon the United States Congress to propose and send to the states for ratification a constitutional amendment to overturn Citizens United v. Federal Election Commission and to restore constitutional rights and fair elections to the people; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the United States Senate, the Minority Leader of the United States Senate, and to each Senator and Representative from California in the Congress of the United States.

