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HOUSE MEMORIAL 55

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Mimi Stewart

A MEMORIAL

EXPRESSING STRONG OPPOSITION TO THE UNITED STATES SUPREME COURT
RULING IN *CITIZENS UNITED V. FEDERAL ELECTION COMMISSION*
CONCERNING CORPORATE CAMPAIGN SPENDING AND REQUESTING CONGRESS
TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION.

WHEREAS, on January 21, 2010, the United States supreme
court, by a five to four decision in *Citizens United v. Federal
Election Commission*, overturned several important provisions of
the Bipartisan Campaign Reform Act of 2002, as well as earlier
supreme court decisions, and swept away a century of tradition
barring corporate spending in elections in the United States;
and

WHEREAS, the supreme court's ruling holds that
corporations are guaranteed the rights of persons under the
United States constitution and can exercise free speech by

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1 maintaining their own unlimited political campaigns outside the
2 reach of federal laws that limit campaign contributions; and

3 WHEREAS, prior to its holding in *Citizens United*, the
4 United States supreme court had twice upheld certain limits on
5 corporate campaign spending in *McConnell v. Federal Election*
6 *Commission* and *Austin v. Michigan Chamber of Commerce*, where
7 the court specifically noted that "[c]orporate wealth can
8 unfairly influence elections"; and

9 WHEREAS, in a ninety-page dissent, Justice John Paul
10 Stevens said that the *Citizens United* decision represents a
11 radical change in the law and "threatens to undermine the
12 integrity of elected institutions across the Nation"; and

13 WHEREAS, the supreme court's decision in *Citizens United*
14 is premised on an illogical legal concept that corporations are
15 persons who have the same free speech rights as individuals;
16 and

17 WHEREAS, in regard to elections, corporations are not
18 legally similar to individual voters because they:

- 19 A. can reside in multiple states or foreign
20 countries;
21 B. can be in existence for hundreds of years;
22 C. cannot be incarcerated;
23 D. cannot vote; and
24 E. cannot independently formulate political
25 opinions separate and distinct from the board of directors,

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1 executives, shareholders or employees; and

2 WHEREAS, a shareholder in a large corporation has very
3 little control over how a corporation spends the money of the
4 corporation on individual campaign expenditures; and

5 WHEREAS, on the basis of protecting the free speech rights
6 of corporations, *Citizens United* will now allow corporations to
7 spend unprecedented amounts of money on political campaigns;
8 and

9 WHEREAS, as a result of *Citizens United*, there is likely
10 to be a chilling effect on the willingness of candidates and
11 elected officials to advocate and implement policies that
12 advance the public interest but that may be against corporate
13 interests; and

14 WHEREAS, the decision in *Citizens United* grants excessive
15 power to corporate interests and threatens to overwhelm the
16 voice of individual citizens in the political process; and

17 WHEREAS, the first amendment to the United States
18 constitution was designed to protect the free speech rights of
19 people, not corporations;

20 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
21 REPRESENTATIVES OF THE STATE OF NEW MEXICO that it express
22 strong opposition to the supreme court's decision in *Citizens*
23 *United v. Federal Election Commission* and call upon the United
24 States congress to propose and send to the states for
25 ratification an amendment to the United States constitution to

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1 restore free speech and fair elections to the people of the
2 United States; and

3 BE IT FURTHER RESOLVED that copies of this memorial be
4 transmitted to the members of the New Mexico congressional
5 delegation.

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