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HOUSE MEMORIAL 39

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

Mary Helen Garcia

A MEMORIAL

REQUESTING THE UNITED STATES CONGRESS TO PASS AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATING TO CONTRIBUTIONS AND EXPENDITURES INTENDED TO AFFECT ELECTIONS.

WHEREAS, recent United States supreme court decisions have significantly weakened the power of congress and the states to regulate political campaign contributions and expenditures; and

WHEREAS, individual citizens and groups of many kinds may all have legitimate concerns that deserve to be heard in political campaigns; and

WHEREAS, the resources that are available to any individual or group to participate in the free speech of a political campaign will vary widely, so that in order to prevent a single individual or group from dominating the public debate, it is in the public interest that limits be set on the

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1 amount of spending that may be done by any participant; and

2 WHEREAS, in recognition of this public interest, congress
3 and the New Mexico legislature have previously passed laws
4 regulating campaign contributions and expenditures, and
5 continue to affirm the right of the people to establish and
6 benefit from such laws; and

7 WHEREAS, it is appropriate for congress and the states to
8 legislate the details of such regulation, while it is
9 appropriate for the courts to ensure that in the exercise of
10 such powers, no other rights guaranteed by the constitution of
11 the United States are violated; and

12 WHEREAS, in response to these concerns, United States
13 Senator Tom Udall and twenty-two other United States senators
14 have proposed an amendment to the constitution of the United
15 States relating to contributions and expenditures intended to
16 affect elections that reads:

17 "A. Congress shall have power to regulate the
18 raising and spending of money and in kind equivalents with
19 respect to federal elections, including through setting limits
20 on:

21 (1) the amount of contributions to candidates
22 for nomination for election to, or for election to, federal
23 office; and

24 (2) the amount of expenditures that may be
25 made by, in support of, or in opposition to such candidates.

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B. A State shall have power to regulate the raising and spending of money and in kind equivalents with respect to State elections, including through setting limits on:

(1) the amount of contributions to candidates for nomination for election to, or for election to, state office; and

(2) the amount of expenditures that may be made by, in support of, or in opposition to such candidates.

C. Congress shall have power to implement and enforce this article by appropriate legislation.";

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that it request the United States congress to pass this amendment to the constitution of the United States relating to contributions and expenditures intended to affect elections; and

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