

AMENDED IN ASSEMBLY MARCH 14, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

Assembly Joint Resolution

No. 22

Introduced by Assembly Members Wieckowski and Allen
(Coauthors: Assembly Members *Alejo, Ammiano, Atkins, Beall,*
Blumenfield, Buchanan, Dickinson, Hayashi, Hill, and Roger
***Hernández, Huffman, Mendoza, and Williams*)**

(Coauthors: Senators *DeSaulnier, Hancock, Leno, and Lieu*)

January 5, 2012

Assembly Joint Resolution No. 22—Relative to campaign finance reform.

LEGISLATIVE COUNSEL'S DIGEST

AJR 22, as amended, Wieckowski. 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.

- 1 WHEREAS, The protections afforded by the First Amendment
- 2 to the United States Constitution to the people of our nation are
- 3 fundamental to our democracy; and
- 4 WHEREAS, The First Amendment to the United States
- 5 Constitution was designed to protect the free speech rights of
- 6 people, not corporations; and

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

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

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

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

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

22 WHEREAS, The United States Supreme Court's ruling in
23 *Citizens United v. Federal Election Commission* will now unleash
24 a torrent of corporate money in our political process unmatched
25 by any campaign expenditure totals in United States history; and

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

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

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

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

1 WHEREAS, Article V of the United States Constitution
2 empowers and obligates the people and states of the United States
3 of America to use the constitutional amendment process to correct
4 those egregiously wrong decisions of the United States Supreme
5 Court that go to the heart of our democracy and republican form
6 of self-government; and

7 WHEREAS, Notwithstanding the decision in *Citizens United*
8 v. Federal Election Commission, legislators have a duty to protect
9 democracy and guard against the potentially detrimental effects
10 of corporate spending in local, state, and federal elections; now,
11 therefore, be it

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

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

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