

SENATE RESOLUTION No. 47

STATE OF NEW JERSEY

215th LEGISLATURE

INTRODUCED FEBRUARY 16, 2012

Sponsored by:

Senator JEFF VAN DREW

District 1 (Atlantic, Cape May and Cumberland)

Senator BRIAN P. STACK

District 33 (Hudson)

Co-Sponsored by:

Senators Buono, Turner, Greenstein and Ruiz

SYNOPSIS

Expresses strong opposition to U.S. Supreme Court decision in Citizens United v. Federal Elections Commission; calls upon Congress to propose amending U.S. Constitution.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/5/2012)

1 A **SENATE RESOLUTION** expressing strong opposition to the recent
2 United States Supreme Court decision in Citizens United v.
3 Federal Elections Commission concerning corporation campaign
4 spending and calling upon the United States Congress to propose
5 an amendment to the United States Constitution.

6
7 **WHEREAS**, A divided United States Supreme Court, in a 5-to-4
8 decision issued on January 21, 2010 in Citizens United v. Federal
9 Elections Commission, overturned two important precedents by
10 lifting a 20-year ruling in Austin v. Michigan Chamber of
11 Commerce, that restricted campaign spending by corporations in
12 support of or in opposition to political candidates; and

13 **WHEREAS**, The Court also overturned part of its 2003 decision in
14 McConnell v. Federal Elections Commission by rejecting a large
15 portion of the Bipartisan Campaign Reform Act of 2002, commonly
16 called McCain Feingold, which restricted campaign spending by
17 corporations and unions by banning broadcast, cable or satellite
18 transmissions of electioneering communications paid for by
19 corporations or labor unions from their general funds in the 30 days
20 before a presidential primary and in the 60 days before the general
21 election; and

22 **WHEREAS**, In his 80-page dissent in the Citizens United case, Justice
23 Stevens called the decision “a radical change in the law” that
24 ignores “the overwhelming majority of justices who have served on
25 this court” and stated that “In the context of election to public
26 office, the distinction between corporate and human speakers is
27 significant . . . [Corporations] cannot vote or run for office.
28 Because they may be managed and controlled by nonresidents, their
29 interests may conflict in fundamental respects with the interests of
30 eligible voters”; and

31 **WHEREAS**, President Obama recently criticized the ruling as “a green
32 light to a new stampede of special interest money,” and declared “It
33 is a major victory for big oil, Wall Street banks, health insurance
34 companies and the other powerful interests that marshal their power
35 every day in Washington to drown out the voices of everyday
36 Americans”; and

37 **WHEREAS**, Senator John McCain who co-wrote the 2002 campaign
38 reform law with Senator Russell Feingold, said he was
39 “disappointed” by the decision, and Senator Feingold called the
40 decision “a terrible mistake” ignoring “important principles of
41 judicial restraint and respect for precedent”; and

42 **WHEREAS**, For decades, Congress has exercised its constitutional
43 authority to regulate elections by seeking to prevent corporations
44 and unions from exerting undue influence or the appearance of
45 undue influence over federal candidates; and

46 **WHEREAS**, It is fitting and proper for the Senate of this State to
47 express its opposition to the Citizens United decision and to call
48 upon the Congress of the United States to propose an amendment to

1 the United States Constitution to provide that, with respect to
2 corporation campaign spending, a person is only a natural person
3 for First Amendment protection of free speech; now, therefore,

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5 **BE IT RESOLVED** *by the Senate of the State of New Jersey:*

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7 1. The Senate of the State of New Jersey expresses strong
8 opposition to the United States Supreme Court ruling in Citizens
9 United v. Federal Elections Commission and calls upon the
10 Congress of the United States to propose an amendment to the
11 United States Constitution to provide that with regard to
12 corporation campaign spending, a person means only a natural
13 person for First Amendment protection of free speech.

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15 2. Duly authenticated copies of this resolution, signed by the
16 President of the Senate and attested to by the Secretary of the
17 Senate, shall be transmitted to the President and Vice President of
18 the United States, the Majority and Minority Leaders of the United
19 States Senate, the Speaker and Minority Leader of the United States
20 House of Representatives, and to each member of the United States
21 Congress elected from this State.

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STATEMENT

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26 This Senate Resolution expresses strong opposition to the United
27 States Supreme Court decision in Citizens United v. Federal
28 Elections Commission and calls upon the Congress of the United
29 States to propose an amendment to the United States Constitution to
30 provide that, with regard to corporation campaign spending, a
31 person means only a natural person for First Amendment protection
32 of free speech.