

ASSEMBLY RESOLUTION No. 64

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MARCH 4, 2010

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington and Camden)

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.



1 **AN ASSEMBLY RESOLUTION** expressing strong opposition to the
2 recent United States Supreme Court decision in Citizens United
3 v. Federal Elections Commission concerning corporation
4 campaign spending and calling upon the United States Congress
5 to propose 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 General Assembly of this
47 State to express its opposition to the Citizens United decision and to
48 call upon the Congress of the United States to propose an

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

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6 **BE IT RESOLVED** by the General Assembly of the State of New
7 Jersey:

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

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

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STATEMENT

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