

SENATE JOINT RESOLUTION No. 39

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 18, 1996

By Senators **LYNCH, SCHLUTER, MacInnes, Connors, Codey,
O'Connor, Sacco, Baer, Lesniak, Bryant, Adler, Kenny,
Girgenti, Rice and Casey**

- 1 **A JOINT RESOLUTION** memorializing Congress to propose an
2 amendment to the United States Constitution which would allow
3 Congress and the states to limit amounts which may be expended
4 by candidates for elective public office.
5
- 6 **WHEREAS**, In 1976, the United States Supreme Court held in Buckley
7 v. Valeo, 424 U.S. 1(1976), that provisions of federal law which
8 limited campaign spending by candidates for federal office violated
9 rights protected by the First Amendment; and
- 10 **WHEREAS**, While the Buckley decision precludes the imposition of
11 expenditure limits (except where public financing is provided),
12 many reputable scholars have argued that this matter was wrongly
13 decided because the court did not consider all of the relevant
14 justifications for campaign spending limits; and
- 15 **WHEREAS**, It can be argued that spending limits are justified by the
16 State's interest in preventing excessive fund-raising from interfering
17 with the ability of officeholders to perform their official duties and
18 that the extraordinary power of private wealth to affect the
19 outcome of elections violates the principle of one man-one vote;
20 and
- 21 **WHEREAS**, Campaign finance has changed dramatically in the 20 years
22 since Buckley was decided, with spending on campaigns for public
23 office increasing exponentially; and
- 24 **WHEREAS**, What has been called the "tyranny of private wealth" is a
25 corrupting, unfair influence on the democratic process which
26 undermines equality in campaigns; and
- 27 **WHEREAS**, The need of candidates to raise and spend enormous sums
28 has bred cynicism and distrust among the public and created an
29 electoral system which is perversely dominated by special interests;
30 and
- 31 **WHEREAS**, There exists, therefore, a compelling need for Congress
32 and the President to have the authority to enact laws limiting
33 expenditure by candidates in federal elections; and
- 34 **WHEREAS**, There similarly exists a compelling need for the states to
35 have the authority to enact laws limiting expenditures by candidates

1 in state and local elections; and
2 **WHEREAS**, In view of the United States Supreme Court's decision in
3 Buckley, it is necessary to amend the United States Constitution to
4 grant this authority to Congress and the President and to the states;
5 and
6 **WHEREAS**, Article V of the United States Constitution provides that
7 Congress may propose amendments to the Constitution which take
8 effect upon ratification by the Legislatures of three-fourths of the
9 States; now, therefore,

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11 **BE IT RESOLVED** *by the Senate and General Assembly of the State*
12 *of New Jersey:*

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14 1. The Congress of the United States is respectfully memorialized
15 to propose an amendment to the United States Constitution which
16 would grant Congress and the President the authority to enact laws
17 limiting expenditures by candidates in federal elections and which
18 would grant the states the authority to enact laws limiting expenditures
19 by candidates in state and local elections.
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21 2. Copies of this resolution shall be transmitted to the President of
22 the United States Senate, the Speaker of the House of
23 Representatives, the majority and minority leaders of both Houses of
24 Congress, and every member of Congress elected from this State.
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26 3. This joint resolution shall take effect immediately.

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STATEMENT

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31 This joint resolution memorializes Congress to propose an
32 amendment to the United States Constitution which would grant
33 Congress and the President the authority to enact laws limiting
34 expenditures by candidates in federal elections and which would grant
35 the states the authority to enact laws limiting expenditures by
36 candidates in state and local elections. A constitutional amendment is
37 necessary because, under the decision of the United States Supreme
38 Court in Buckley v. Valeo, 424 U.S. 1 (1976), laws which limit
39 campaign spending are currently unconstitutional except where public
40 financing of campaigns is provided.

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45 Memorializes Congress to propose constitutional amendment allowing
46 Congress and the states to limit campaign spending.