

ASSEMBLY RESOLUTION No. 86
STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED MAY 24, 2012

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman TIMOTHY J. EUSTACE

District 38 (Bergen and Passaic)

Assemblywoman LINDA STENDER

District 22 (Middlesex, Somerset and Union)

Co-Sponsored by:

Assemblymen Johnson, Chivukula, Caputo, Gusciora and McKeon

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.

AN ASSEMBLY RESOLUTION expressing strong opposition to the recent United States Supreme Court decision in *Citizens United v. Federal Elections Commission* concerning corporation campaign spending and calling upon the United States Congress to propose an amendment to the United States Constitution.

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

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

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

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

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

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

WHEREAS, It is fitting and proper for the Senate of this State to express its opposition to the Citizens United decision and to call upon the Congress of the United States to propose an amendment to the United States Constitution to provide that, with respect to corporation campaign spending, a person is only a natural person for First Amendment protection of free speech; now, therefore,

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

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

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

STATEMENT

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