

HOUSE JOINT RESOLUTION 1149

By McDonald

A RESOLUTION to urge the United States Congress to enact legislation that would propose an amendment to the United States Constitution for the states' consideration which provides that corporations are not persons under the laws of the United States or any of its jurisdictional subdivisions.

WHEREAS, the United States Supreme Court, in 2010, issued its decision in *Citizens United v. Federal Election Commission*, which holds that independent spending on elections by corporations and other groups, including unions, could not be limited by government regulations; and

WHEREAS, this ruling overturned longstanding precedent that prohibited corporations from spending their general treasury funds in elections and purports to invalidate state laws and state constitutional provisions separating corporate money from elections; and

WHEREAS, this decision rolled back the legal restrictions on corporate spending in the electoral process, allowing for unlimited corporate spending to influence elections, candidate selection, and policy decisions; and

WHEREAS, the *Citizens United* decision has decidedly limited the ability of federal, state, and local governments to enact reasonable campaign finance reforms and regulations regarding political activity by both corporations and such other groups, including unions; and

WHEREAS, a proposed amendment to the United States Constitution has been introduced in Congress, Senate Joint Resolution 33, that would, if adopted by the states, become the 28<sup>th</sup> Amendment to the U.S. Constitution, undo the damage done by *Citizens United*, and not extend the rights of natural persons to for-profit corporations, limited liability companies, or other private entities established for business purposes or to promote business interests; and

WHEREAS, the amendment would also authorize state and federal regulation of all election contributions and expenditures and prohibit all such business entities from making contributions or expenditures in any election of any candidate for public office or the vote upon any ballot measure submitted to the people; and

WHEREAS, the enactment of such legislation by the United States Congress is vitally important to the people of this great Nation as the United States Supreme Court's ruling in Citizens United v. Federal Election Commission represents a serious and direct threat to our democracy; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that we hereby urge the United States Congress to enact legislation that would propose an amendment to the United States Constitution for the states' consideration which provides that corporations are not persons under the laws of the United States or any of its jurisdictional subdivisions.

BE IT FURTHER RESOLVED, that appropriate copies of this resolution be prepared and transmitted to the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the Majority Leader of the United States Senate, the Minority Leader of the United States Senate, and to each Senator and Representatives from Tennessee in the Congress of the United States.