

1 HOUSE JOINT RESOLUTION NO. 6

2 INTRODUCED BY HILL, NOONAN, B. BENNETT, BOLAND, BROCKIE, CALF BOSS RIBS, COFFIN,
 3 COURT, CURTIS, DUDIK, ECK, GURSKY, JACOBSON, LIESER, LYNCH, MCCARTHY, MCCLAFFERTY,
 4 PIERSON, POMNICHOWSKI, PRICE, SCHREINER, B. SMITH, SQUIRES, STEENBERG, SWANSON,
 5 WILMER, WILSON, WOODS
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7 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
 8 MONTANA ENCOURAGING MONTANA'S ELECTED AND APPOINTED STATE AND FEDERAL OFFICIALS
 9 TO WORK TO AMEND THE CONSTITUTION OF THE UNITED STATES TO ~~OVERTURN THE U.S. SUPREME~~
 10 ~~COURT'S RULING IN CITIZENS UNITED V. FEDERAL ELECTION COMMISSION~~ PROVIDE THAT
 11 CORPORATIONS, INCLUDING NONPROFIT CORPORATIONS, UNIONS, AND ASSOCIATIONS, ARE NOT
 12 HUMAN BEINGS WITH CONSTITUTIONAL RIGHTS.
 13

14 WHEREAS, since 1912, through passage of the Corrupt Practices Act by initiative, Montana has
 15 prohibited corporate contributions to and expenditures on candidate elections; and

16 WHEREAS, in 1996, by passage of Initiative No. 125, Montana prohibited corporations from using
 17 corporate funds to make contributions to or expenditures on ballot issue campaigns; and

18 WHEREAS, Montana's 1996 prohibition on corporate contributions to ballot issue campaigns was
 19 invalidated by Montana Chamber of Commerce v. Argenbright, 226 F.3d 1049 (9th Circuit 2000), and Montana's
 20 1912 prohibition on corporate expenditures on candidate elections was invalidated by the holding of American
 21 Tradition Partnership v. Bullock, 567 U.S. ____ (2012), using reasoning outlined in Citizens United v. FEC, 558
 22 U.S. 310 (2010); and

23 WHEREAS, ~~these decisions~~ THE DECISIONS IN AMERICAN TRADITION PARTNERSHIP V. BULLOCK AND CITIZENS
 24 UNITED V. FEC equated the political speech rights of corporations AND UNIONS with those of human beings; and

25 WHEREAS, in November 2012, Montanans voted overwhelmingly to enact Initiative No. 166, which
 26 established a state policy that corporations are not entitled to constitutional rights because they are not human
 27 beings and which charged Montana elected and appointed state and federal officials to act to implement that
 28 policy; and

29 WHEREAS, I-166 generally directed Montana officials that the people of Montana regard money as
 30 property, not speech; that the people of Montana regard the rights under the United States Constitution as rights

1 of human beings, not rights of corporations; that the people of Montana regard the immense aggregation of
 2 wealth that is accumulated by corporations using advantages provided by the government to be corrosive and
 3 distorting when used to advance the political interests of corporations; that the people of Montana intend that
 4 there should be a level playing field in campaign spending that allows all individuals, regardless of wealth, to
 5 express their views to one another and their government; and that the people of Montana intend that a level
 6 playing field in campaign spending includes limits on overall campaign expenditures and limits on large
 7 contributions to or expenditures for the benefit of any campaign by any source, including corporations, individuals,
 8 and political committees; AND

9 WHEREAS, LIMITS ON CAMPAIGN EXPENDITURES AND CONTRIBUTIONS APPLY TO CORPORATIONS, INCLUDING
 10 NONPROFIT CORPORATIONS, AS WELL AS UNIONS AND ASSOCIATIONS.

11
 12 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
 13 STATE OF MONTANA:

14 That the Montana Legislature encourages Montana's Congressional Delegation:

15 (1) to propose a joint resolution offering an amendment to the United States Constitution that
 16 accomplishes the following:

17 ~~(a) overturns the United States Supreme Court's ruling in Citizens United v. Federal Election~~
 18 ~~Commission;~~

19 ~~(b)(A)~~ establishes that corporations, INCLUDING NONPROFIT CORPORATIONS, UNIONS, AND ASSOCIATIONS,
 20 are not human beings with constitutional rights;

21 ~~(e)(B)~~ establishes that campaign contributions or expenditures by corporations, UNIONS, AND
 22 ASSOCIATIONS, whether to candidates or for ballot issues, may be prohibited by a political body at any level of
 23 government; and

24 ~~(d)(C)~~ accomplishes the goals of Montanans in achieving a level playing field in election spending.

25 (2) to work diligently to bring the joint resolution to vote and passage, including the use of discharge
 26 petitions, cloture, and every other procedural method to secure a vote and passage.

27 BE IT FURTHER RESOLVED, that members of the Montana Legislature, if given the opportunity, should
 28 ratify any amendment to the United States Constitution that is consistent with the policy of the State of Montana.

29 BE IT FURTHER RESOLVED, that the State of Montana calls on other states to join with us in passing
 30 similar resolutions requesting their Congressional Delegations to push for a vote and passage of an amendment

1 to the United States Constitution that is consistent with these policies.

2 BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to each member
3 of the Montana Congressional Delegation, to the Clerk of the U.S. House of Representatives, and to the
4 Secretary of the U.S. Senate.

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