

## 1 SENATE JOINT RESOLUTION NO. 19

2 INTRODUCED BY C. LARSEN

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4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF  
5 MONTANA ENCOURAGING MONTANA'S ELECTED AND APPOINTED STATE AND FEDERAL OFFICIALS  
6 TO WORK TO AMEND THE CONSTITUTION OF THE UNITED STATES TO OVERTURN THE U.S. SUPREME  
7 COURT'S RULING IN CITIZENS UNITED V. FEDERAL ELECTION COMMISSION.

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

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

13 WHEREAS, Montana's 1996 prohibition on corporate contributions to ballot issue campaigns was  
14 invalidated by Montana Chamber of Commerce v. Argenbright, 226 F.3d 1049 (9th Circuit 2000), and Montana's  
15 1912 prohibition on corporate expenditures on candidate elections was invalidated by the holding of American  
16 Tradition Partnership v. Bullock, 567 U.S. \_\_\_\_ (2012), using reasoning outlined in Citizens United v. FEC, 558  
17 U.S. 310 (2010); and

18 WHEREAS, these decisions equated the political speech rights of corporations with those of human  
19 beings; and

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

24 WHEREAS, I-166 generally directed Montana officials that the people of Montana regard money as  
25 property, not speech; that the people of Montana regard the rights under the United States Constitution as rights  
26 of human beings, not rights of corporations; that the people of Montana regard the immense aggregation of  
27 wealth that is accumulated by corporations using advantages provided by the government to be corrosive and  
28 distorting when used to advance the political interests of corporations; that the people of Montana intend that  
29 there should be a level playing field in campaign spending that allows all individuals, regardless of wealth, to  
30 express their views to one another and their government; and that the people of Montana intend that a level

1 playing field in campaign spending includes limits on overall campaign expenditures and limits on large  
2 contributions to or expenditures for the benefit of any campaign by any source, including corporations, individuals,  
3 and political committees.

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5 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
6 STATE OF MONTANA:

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

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

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

12 (b) establishes that corporations are not human beings with constitutional rights;

13 (c) establishes that campaign contributions or expenditures by corporations, whether to candidates or  
14 for ballot issues, may be prohibited by a political body at any level of government; and

15 (d) accomplishes the goals of Montanans in achieving a level playing field in election spending;

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

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

20 BE IT FURTHER RESOLVED, that the State of Montana calls on other states to join with us in passing  
21 similar resolutions requesting their Congressional Delegations to push for a vote and passage of an amendment  
22 to the United States Constitution that is consistent with these policies.

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

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