

**Assembly Joint Resolution**

**No. 22**

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**Introduced by Assembly Members Wieckowski and Allen**  
**(Coauthors: Assembly Members Ammiano, Hayashi, Hill, and**  
**Huffman)**  
(Coauthors: Senators Hancock and Lieu)

January 5, 2012

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Assembly Joint Resolution No. 22—Relative to campaign finance reform.

LEGISLATIVE COUNSEL'S DIGEST

AJR 22, as introduced, Wieckowski. Campaign finance reform.

This measure would memorialize the Legislature's disagreement with the decision of the United States Supreme Court in *Citizens United v. Federal Election Commission*, and would call upon the United States Congress to propose and send to the states for ratification a constitutional amendment to overturn *Citizens United v. Federal Election Commission* and to restore constitutional rights and fair elections to the people.

Fiscal committee: no.

1 WHEREAS, The protections afforded by the First Amendment  
2 to the United States Constitution to the people of our nation are  
3 fundamental to our democracy; and

4 WHEREAS, The First Amendment to the United States  
5 Constitution was designed to protect the free speech rights of  
6 people, not corporations; and

7 WHEREAS, Corporations are not people but, instead, are entities  
8 created by the laws of states and nations; and

1 WHEREAS, For the past three decades, a divided United States  
2 Supreme Court has transformed the First Amendment into a  
3 powerful tool for corporations seeking to evade and invalidate  
4 democratically enacted reforms; and

5 WHEREAS, This corporate misuse of the First Amendment and  
6 the United States Constitution reached an extreme conclusion in  
7 the United States Supreme Court’s ruling in Citizens United v.  
8 Federal Election Commission (2010) 130 S.Ct. 876; and

9 WHEREAS, The United States Supreme Court’s ruling in  
10 Citizens United v. Federal Election Commission overturned  
11 longstanding precedent prohibiting corporations from spending  
12 their general treasury funds in our elections; and

13 WHEREAS, The opinion of the four dissenting justices in  
14 Citizens United v. Federal Election Commission noted that  
15 corporations have special advantages not enjoyed by natural  
16 persons, such as limited liability, perpetual life, and favorable  
17 treatment of the accumulation and distribution of assets, that allow  
18 them to spend prodigious sums on campaign messages that have  
19 little or no correlation with the beliefs held by natural persons; and

20 WHEREAS, The United States Supreme Court’s ruling in  
21 Citizens United v. Federal Election Commission will now unleash  
22 a torrent of corporate money in our political process unmatched  
23 by any campaign expenditure totals in United States history; and

24 WHEREAS, Citizens United v. Federal Election Commission  
25 purports to invalidate state laws and state constitutional provisions  
26 separating corporate money from elections; and

27 WHEREAS, The United States Supreme Court’s ruling in  
28 Citizens United v. Federal Election Commission represents a  
29 serious and direct threat to our democracy; and

30 WHEREAS, The general public and political leaders in the  
31 United States have recognized, since the founding of our country,  
32 that the interests of corporations do not always correspond with  
33 the public interest and that, therefore, the political influence of  
34 corporations should be limited; and

35 WHEREAS, In 1816, Thomas Jefferson wrote, “I hope we shall  
36 ... crush in [its] birth the aristocracy of our monied corporations  
37 which dare already to challenge our government to a trial of  
38 strength and bid defiance to the laws of our country”; and

39 WHEREAS, Article V of the United States Constitution  
40 empowers and obligates the people and states of the United States

1 of America to use the constitutional amendment process to correct  
2 those egregiously wrong decisions of the United States Supreme  
3 Court that go to the heart of our democracy and republican form  
4 of self-government; and

5 WHEREAS, Notwithstanding the decision in *Citizens United*  
6 v. Federal Election Commission, legislators have a duty to protect  
7 democracy and guard against the potentially detrimental effects  
8 of corporate spending in local, state, and federal elections; now,  
9 therefore, be it

10 *Resolved by the Assembly and the Senate of the State of*  
11 *California, jointly*, That the Legislature of the State of California  
12 respectfully disagrees with the majority opinion and decision of  
13 the United States Supreme Court in *Citizens United v. Federal*  
14 *Election Commission*; and be it further

15 *Resolved*, That the Legislature of the State of California calls  
16 upon the United States Congress to propose and send to the states  
17 for ratification a constitutional amendment to overturn *Citizens*  
18 *United v. Federal Election Commission* and to restore constitutional  
19 rights and fair elections to the people; and be it further

20 *Resolved*, That the Chief Clerk of the Assembly transmit copies  
21 of this resolution to the President and Vice President of the United  
22 States, the Speaker of the House of Representatives, the Minority  
23 Leader of the House of Representatives, the Majority Leader of  
24 the United States Senate, the Minority Leader of the United States  
25 Senate, and to each Senator and Representative from California  
26 in the Congress of the United States.