

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.J.R. 125
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HOUSE PRINCIPAL CLERK

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HOUSE JOINT RESOLUTION DRHJR40064-LG-32* (02/10)

Sponsors: Representatives Insko and Harrison (Primary Sponsors).

Referred to:

1 A JOINT RESOLUTION REQUESTING THAT CONGRESS PROPOSE AN AMENDMENT
2 TO THE UNITED STATES CONSTITUTION TO OVERTURN THE UNITED STATES
3 SUPREME COURT RULING IN CITIZENS UNITED V. FEDERAL ELECTION
4 COMMISSION CONCERNING CORPORATE CAMPAIGN SPENDING.

5 Whereas, on January 21, 2010, the United States Supreme Court, by a five to four
6 decision, in *Citizens United v. Federal Election Commission*, overturned important provisions
7 of the Bipartisan Campaign Reform Act of 2002, as well as earlier Supreme Court decisions,
8 and swept away a century of tradition barring corporate spending in elections in the United
9 States; and

10 Whereas, the United States Supreme Court's ruling holds that corporations are
11 people with free speech rights under the United States Constitution and may engage in
12 unlimited corporate spending on elections; and

13 Whereas, *Citizens United v. Federal Election Commission* has unleashed the use of
14 corporate money into the political process unmatched by any campaign expenditure totals in
15 United States history; and

16 Whereas, *Citizens United v. Federal Election Commission* presents a serious and
17 direct threat to republican democracy; and

18 Whereas, the decision in *Citizens United v. Federal Election Commission* grants
19 excessive power to corporate and union interests and threatens to overwhelm the voices of
20 individual citizens in the political process; and

21 Whereas, Article V of the United States Constitution empowers and obligates the
22 people and states of the United States of America to use the constitutional amendment process
23 to correct those egregiously wrong decisions of the United States Supreme Court that go to the
24 heart of republican democracy and self-government; and

25 Whereas, artificial entities, such as corporations and labor unions are legal entities
26 that governments regulate, and the privileges they enjoy under the United States Constitution
27 should be more narrowly defined than the rights that are afforded to human persons; and

28 Whereas, the people and states of the United States of America have strengthened
29 the nation and preserved liberty and equality for all by using the amendment process
30 throughout the history of the nation, including seven of 10 decades of the twentieth century,
31 and through that process have reversed seven erroneous Supreme Court decisions; Now,
32 therefore,

33 Be it resolved by the House of Representatives, the Senate concurring:

34 **SECTION 1.** The North Carolina General Assembly calls upon Congress to
35 propose and send to the states for ratification an amendment to the Constitution to affirm the
36 following:



* D R H J R 4 0 0 6 4 - L G - 3 2 *

- 1 (1) That the rights protected by the Constitution of the United States are the
2 rights of natural persons only.
- 3 (2) That the spending of money to influence elections is not protected free
4 speech under the First Amendment.
- 5 (3) That the privileges of artificial entities such as corporations, limited liability
6 companies, labor unions, for profit and not for profit, and other entities shall
7 not be construed to be inherent or inalienable and are subject to regulation
8 by the people, through federal, State, or local law.
- 9 (4) That nothing contained in the amendment shall be construed to abridge the
10 freedom of the press.

11 **SECTION 2.** The Secretary of State shall transmit a certified copy of this
12 resolution to each member of North Carolina's congressional delegation.

13 **SECTION 3.** This resolution is effective upon ratification.