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1 SENATE JOINT RESOLUTION NO. 27

2 WHEREAS, The freedom of speech and other rights set forth
3 in the United States Constitution are fundamental to our
4 democracy; and

5 WHEREAS, Fair and free elections are essential to democracy
6 and effective self-government; and

7 WHEREAS, The United States Constitution, as well as the
8 Bill of Rights and further amendments, are intended to protect
9 the rights of individual human beings ("natural persons");
10 corporations and other artificial entities are not mentioned in
11 the Constitution and the citizens of this nation have never
12 granted constitutional rights to corporations and other
13 artificial entities; and

14 WHEREAS, In the words of Supreme Court Justice John Paul
15 Stevens, native son of the great State of Illinois, "Money is
16 property; it is not speech" protected by the First Amendment,
17 as stated in *Nixon v. Shrink Missouri Gov't PAC*, 528 U.S. 377,
18 398 (2000) (Stevens, J., concurring); and

19 WHEREAS, The Members of the Illinois General Assembly find
20 a compelling interest in creating a level playing field and
21 ensuring that all citizens, regardless of wealth, have an

1 opportunity to have their political views heard; and

2 WHEREAS, Campaign finance laws, including limits on
3 campaign expenditures and contributions from any source, are
4 key tools to combating political corruption; and

5 WHEREAS, The Supreme Court, in *Buckley v. Valeo*, held that
6 the use of money to influence elections is the equivalent of
7 speech and that government cannot constitutionally limit the
8 amount of money that individuals can spend to influence the
9 electoral process; these deeply and dangerously undemocratic
10 precedents were expanded upon in *Citizens United v. Federal*
11 *Election Commission* (2010) and *SpeechNow.org v. Federal*
12 *Election Commission* (2010 U.S. Court of Appeals, D.C. Circuit),
13 unleashing a torrent of corporate and private money into our
14 political process that has been unmatched by any campaign
15 expenditures in United States history and drowning out the
16 voices of the ordinary citizens we represent; and

17 WHEREAS, In recent decades, a divided United States Supreme
18 Court has transformed the First Amendment into a powerful tool
19 for corporations and other artificial entities to evade and
20 invalidate democratically enacted reforms; and

21 WHEREAS, In 2012, 73% of Illinois residents, voting on
22 ballot questions similar to the PRAIRIE Resolution, called for

1 a constitutional amendment, transcending party lines and
2 geographic location; and

3 WHEREAS, Article V of the United States Constitution
4 empowers the people and states of the United States of America
5 to use the constitutional amendment process to correct those
6 egregiously wrong decisions of the United States Supreme Court
7 that go to the heart of our democracy and republican form of
8 government; therefore, be it

9 RESOLVED, BY THE SENATE OF THE NINETY-EIGHTH GENERAL
10 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES
11 CONCURRING HEREIN, that we, as elected representatives of the
12 people, respectfully but emphatically disagree with the
13 aforementioned decisions of the United States Supreme Court and
14 call upon the United States Congress to propose and send to the
15 states for ratification a constitutional amendment to overturn
16 *Citizens United v. FEC, SpeechNow.org v. FEC, Buckley v. Valeo,*
17 and other related cases that allow for unlimited election
18 spending; and be it further

19 RESOLVED, That such an amendment should make clear that the
20 rights of persons protected by the Constitution are the rights
21 of natural persons and not those of corporations or other
22 artificial entities; and be it further

1 RESOLVED, That such an amendment should make clear that
2 money can facilitate speech but its use is not, in and of
3 itself, speech within the meaning of the First Amendment, and
4 can be regulated; and be it further

5 RESOLVED, That such an amendment should make clear that
6 corporations and other artificial entities are subject to
7 regulation by the people through the legislative process, so
8 long as the regulations are consistent with the powers of
9 Congress and the states and do not limit freedom of the press;
10 and be it further

11 RESOLVED, That such an amendment should make clear that
12 federal, state, and local governments shall have the power to
13 require disclosure of, limit, and regulate all election
14 contributions and expenditures, whether to candidates or
15 ballot measures, including political contributions and
16 expenditures from individuals, corporations, unions, political
17 committees, other artificial entities, and candidates; and be
18 it further

19 RESOLVED, That we state our belief that such a
20 constitutional amendment supports the goals of the people of
21 Illinois in achieving a level playing field in election
22 expenditures, regardless of their source; and be it further

1 RESOLVED, That the Illinois congressional delegation is
2 urged to propose a joint resolution offering such an amendment
3 to the United States Constitution and to work diligently to
4 bring such a joint resolution to a vote and passage, including
5 use of discharge petitions, cloture, and every other procedural
6 method to secure a vote and passage; and be it further

7 RESOLVED, That the individual Members of the Illinois
8 General Assembly are encouraged to ratify such an amendment to
9 the United States Constitution that is consistent with the
10 policy of the State of Illinois as herein declared; and be it
11 further

12 RESOLVED, That we call upon other states and jurisdictions
13 to join with us in this action by enacting similar resolutions
14 to secure the restoration of constitutional rights and fair
15 elections to the people of Illinois and all citizens of the
16 United States; and be it further

17 RESOLVED, That suitable copies of this resolution be
18 delivered to each member of the Illinois congressional
19 delegation, the Speaker and the Minority Leader of the United
20 States House of Representatives, and the Majority Leader and
21 Minority Leader of the United States Senate.