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HOUSE JOINT RESOLUTION NO. 545

Offered January 14, 2015

Prefiled January 3, 2015

Applying to the Congress of the United States to call an amendment convention pursuant to Article V of the United States Constitution for the purpose of proposing a constitutional amendment that would ensure free and fair elections by limiting corporate personhood for purposes of campaign finance and political speech and declaring that money does not constitute speech and may be regulated.

Patron—Rasoul

Referred to Committee on Rules

WHEREAS, free and fair elections are essential to democracy and effective self-government; and
WHEREAS, free speech is a right held by natural persons, recognized and protected by the First Amendment of the Constitution of the United States; and

WHEREAS, corporations do not vote in elections and should not be categorized as persons for purposes related to elections and campaign finance; and

WHEREAS, in 1976 the United States Supreme Court ruled in *Buckley v. Valeo* (424 U.S. 1 (1976)) that the use of money to influence elections is the equivalent of speech and the government cannot constitutionally limit the amount of money persons can spend to influence the electoral process; and

WHEREAS, in 2010 the United States Supreme Court ruled in *Citizens United v. Federal Election Commission* (558 U.S. 310 (2010)) that Congress and the states cannot constitutionally limit the amount of money corporations and labor unions can spend to influence the electoral process; and

WHEREAS, the *Citizens United* decision has resulted in unprecedented amounts of unregulated campaign expenditures by corporations, drowning out the voices of ordinary citizens; and

WHEREAS, the members of the Virginia General Assembly, the oldest continuous law-making body in the New World, find a compelling interest in creating a level playing field and ensuring that all citizens, regardless of wealth, have a fair and equal opportunity to have their political views heard; and

WHEREAS, Article V of the Constitution of the United States grants to the states the right to initiate a process of amending the constitution through application by the legislatures of two-thirds of the several states to the Congress, calling for an amendment convention; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Commonwealth of Virginia hereby apply to the Congress of the United States to call an amendment convention pursuant to Article V of the United States Constitution for the purpose of proposing an amendment to the United States Constitution to ensure free and fair elections; and, be it

RESOLVED FURTHER, That such an amendment make clear that the rights of persons protected by the Constitution are the rights of natural persons and not those of corporations, labor unions, or other artificial entities; and, be it

RESOLVED FURTHER, That such an amendment make clear that money can facilitate speech but its use is not, in and of itself, speech within the meaning of the First Amendment, and Congress and state legislatures may regulate all moneys raised and spent for political purposes; and, be it

RESOLVED FURTHER, That this application be considered as covering the free and fair elections amendment provisions of the presently outstanding Article V free and fair elections applications from other states, including previously adopted applications from California, Illinois, and Vermont, and be aggregated with those other applications for the purpose of attaining the two-thirds of states necessary to require the calling of a convention; and, be it

RESOLVED FURTHER, That the other states be encouraged to make similar applications for an amendment convention pursuant to Article V of the United States Constitution; and, be it

RESOLVED FURTHER, That this application constitute a continuing application for such an amendment convention pursuant to Article V of the United States Constitution until the legislatures of two-thirds of the states have made such applications and such convention has been called by the Congress of the United States; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker and the Clerk of the United States House of Representatives, the President and Clerk of the United States Senate, the members of the Virginia Congressional Delegation, and the legislatures of each of the several states, attesting the adoption of this resolution by the General Assembly of Virginia.

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