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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2661

03/21/2019 Authored by Lesch The bill was read for the first time and referred to the Committee on Government Operations

1.1 A resolution

1.2 memorializing Congress to overturn the United States Supreme Court decision Citizens

1.3 United v. FEC; requesting that Congress clarify that spending money to influence

1.4 elections is not speech under the First Amendment; asking that Congress propose a

1.5 constitutional amendment to provide such clarification.

1.6 WHEREAS, Supreme Court rulings on political spending in recent decades have undermined

1.7 the First Amendment, which was designed, even according to the Supreme Court in 1976, "to secure

1.8 the widest possible dissemination of information from diverse and antagonistic sources," and "to

1.9 assure the unfettered interchange of ideas for the bringing about of political and social changes

1.10 desired by the people." Supreme Court rulings that have equated money as speech have enabled

1.11 people, corporations, and other entities to spend virtually unlimited money in support of favored

1.12 candidates and interests, undermining the core First Amendment value of open and robust debate

1.13 in the political process and the opportunity for voters to hear speech from all candidates and all

1.14 perspectives; and

1.15 WHEREAS, by treating money as speech, the courts have undercut the rights of citizens to

1.16 equal and meaningful participation in the democratic process; and

1.17 WHEREAS, this fosters corruption and undermines public confidence in the democratic

1.18 process and democratic institutions; and

1.19 WHEREAS, under Article V of the Constitution of the United States, the Congress, whenever

1.20 two-thirds of both Houses shall deem it necessary, shall propose amendments to the Constitution;

1.21 NOW, THEREFORE,

1.22 BE IT RESOLVED by the Legislature of the State of Minnesota that it requests that Congress

1.23 propose an amendment to the Constitution that shall substantially read as follows:

1.24 "(1) To advance democratic self-government and political equality, and to protect the integrity

1.25 of government and the electoral process, Congress and the states shall regulate, limit, or prohibit

2.1 contributions and spending, including a candidate's own contributions and spending, to ensure that  
2.2 all citizens, regardless of their economic status, have access to the political process, and that no  
2.3 person gains, as a result of their money, substantially more access or ability to influence in any way  
2.4 the election of any candidate for public office or any ballot measure. Congress and the states may  
2.5 distinguish contributions and spending by natural persons from contributions and spending by  
2.6 corporations, unions, or other entities created by law, and may prohibit such entities from spending  
2.7 money to influence elections.

2.8 (2) Congress and the states shall require that any permissible contributions and expenditures  
2.9 be publicly disclosed.

2.10 (3) Nothing in this article shall be construed to grant Congress or the states the power to  
2.11 abridge the freedom of the press."

2.12 BE IT FURTHER RESOLVED that the Secretary of State of the State of Minnesota is directed  
2.13 to prepare copies of this resolution and transmit them to the Speaker and the Clerk of the United  
2.14 States House of Representatives, the President and the Secretary of the United States Senate, the  
2.15 United States Secretary of State, and Minnesota's Senators and Representatives in Congress.