

SENATE JOINT RESOLUTION NO. 11—SENATORS SPEARMAN,
JONES AND PARKS

MARCH 18, 2013

JOINT SPONSORS: ASSEMBLYMEN DIAZ, ELLIOT ANDERSON,
OHRENSCHALL, PIERCE; AIZLEY, HOGAN, MUNFORD AND
SWANK

Referred to Committee on Legislative Operations and Elections

SUMMARY—Urges Congress to propose an amendment to the
United States Constitution to restore the authority of the
governments of the United States and individual
states to regulate and restrict independent political
expenditures. (BDR R-1047)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

SENATE JOINT RESOLUTION—Urging Congress to propose an
amendment to the United States Constitution to restore
the authority of the governments of the United States and
the individual states to regulate and restrict independent
political expenditures.

1 WHEREAS, The growing influence of large political expenditures
2 is a great and growing concern to the people of the United States
3 and the State of Nevada; and
4 WHEREAS, In a democracy, the assurance of a fair and
5 uncorrupted election process is of the utmost importance, and the
6 Nevada Legislature believes that it is a legitimate and vital role of
7 government to regulate political expenditures; and
8 WHEREAS, The Supreme Court of the United States, in *Citizens*
9 *United v. Federal Election Commission*, 558 U.S. 310 (2010), held
10 that the First Amendment of the United States Constitution prohibits
11 Congress and the states from banning independent political



1 expenditures by corporations, thus enabling corporations and unions
2 to spend unlimited amounts of money on independent political
3 expenditures for electioneering communications; and

4 WHEREAS, The United States Court of Appeals for the District
5 of Columbia Circuit, in *SpeechNow.org v. Federal Election*
6 *Commission*, 599 F.3d 686 (D.C. Cir. 2010), *cert. denied*, 131 S. Ct.
7 553 (2010), held that, as a result of *Citizens United*, groups
8 unaffiliated with a candidate, commonly known as “super PACs,”
9 may receive and spend unlimited amounts of money on similar
10 independent expenditures; and

11 WHEREAS, *Citizens United* has served as a precedent for further
12 legal decisions harming our democratic system of government,
13 including *American Tradition Partnership v. Bullock*, 132 S. Ct.
14 2490 (2012), which struck down a long-standing Montana campaign
15 finance law, denying a state the right to regulate independent
16 political expenditures by corporations in state elections; and

17 WHEREAS, The people of Nevada and all other states should
18 have the power to limit by law the influence of money in their
19 political systems; and

20 WHEREAS, In the wake of *Citizens United*, there has been an
21 exponential increase in large independent political expenditures by
22 corporations which threatens the integrity of the elections process,
23 corrupts our candidates, dilutes the power of individual voters and
24 distorts the public discourse; now, therefore, be it

25 RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF
26 NEVADA, JOINTLY, That the members of the 77th Session of the
27 Nevada Legislature hereby urge the Congress of the United States to
28 propose, support, work diligently towards the passage of and vote at
29 all stages to advance an amendment to the United States
30 Constitution to restore the authority of the governments of the
31 United States and the individual states to regulate and restrict
32 political expenditures and to re-establish that the rights protected by
33 the United States Constitution are granted only to natural persons
34 and not to corporations or other artificial entities created by a state;
35 and be it further

36 RESOLVED, That the Secretary of the Senate prepare and
37 transmit a copy of this resolution to the Vice President of the United
38 States as presiding officer of the United States Senate, the Speaker
39 of the House of Representatives and each member of the Nevada
40 Congressional Delegation; and be it further

41 RESOLVED, That this resolution becomes effective upon
42 passage.

