

By: Johnson

S.C.R. No. 27

CONCURRENT RESOLUTION

1 WHEREAS, We the people, the U.S. Congress, and the states
2 have a compelling interest in fostering robust political debate and
3 self-government, securing the liberty, political equality, and
4 equal free speech rights of our citizens, guarding against
5 corruption, protecting the integrity and fairness of elections, and
6 preserving federalism and the interest of the states; and

7 WHEREAS, Over time, the U.S. Supreme Court has gradually come
8 to equate unlimited spending to influence elections with "free
9 speech"; and

10 WHEREAS, The very privileges given to corporations or other
11 artificial entities that enhance their ability to attract capital
12 and maximize the return on their shareholders' investments also
13 give them financial capacity to engage in spending that drowns out
14 the individual voices of natural persons; and

15 WHEREAS, Corporations and other artificial entities may be
16 under the control of citizens of foreign countries who are
17 ineligible to participate in our elections; and

18 WHEREAS, Money from outside of Texas increasingly influences
19 the selection of candidates and election results in the state; and

20 WHEREAS, The influence of concentrated capital on our
21 political system, whether from wealthy individuals, corporations,
22 or other artificial entities, is damaging the interests of free
23 debate and speech for all citizens, weakening the rights of states
24 to self-governance in our federal system, increasing the risk of

1 systemic corruption, and forcing candidates and elected officials
2 to engage in a money arms race that distracts from their
3 responsibilities to their constituents; and

4 WHEREAS, As with previous occasions when the people have been
5 called to correct Supreme Court misinterpretations of the
6 Constitution, a constitutional amendment is necessary to correct
7 this situation; and

8 WHEREAS, Reasonable, content-neutral limits on the role of
9 money used to influence outcomes of elections are necessary to
10 secure the rights of all the citizens of our state to be represented
11 and to participate in elections and self-government regardless of
12 wealth, to protect the integrity of elections and government
13 against out-of-state and foreign interests and undue influence of
14 concentrated economic capital, and to advance other values
15 identified herein; now, therefore, be it

16 RESOLVED, That the 87th Legislature of the State of Texas
17 hereby respectfully urge the Congress of the United States to
18 propose and submit to the states for ratification an amendment to
19 the United States Constitution to clarify that states may set
20 reasonable limits on the raising and spending of money by
21 candidates and others to influence elections and ballot measures in
22 the states, and that Congress may set reasonable limits on the
23 raising and spending of money by candidates and others to influence
24 federal elections, and that in so doing the states and Congress may
25 distinguish between natural persons and corporations and other
26 artificial entities created by law, including prohibiting such
27 entities from spending money to influence elections and ballot

1 measures; and, be it further

2 RESOLVED, That the Texas secretary of state forward official
3 copies of this resolution to the speaker and the minority leader of
4 the United States House of Representatives, to the majority and
5 minority leaders of the United States Senate, and to each member of
6 the Texas congressional delegation with the request that this
7 resolution be entered in the Congressional Record as a memorial to
8 the Congress of the United States of America.