

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013**

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**SENATE JOINT RESOLUTION 109\***

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Sponsors: Senators Kinnaird (Primary Sponsor); and D. Davis.

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Referred to: Rules and Operations of the Senate.

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February 20, 2013

1 A JOINT RESOLUTION REQUESTING THAT CONGRESS PROPOSE AN AMENDMENT  
2 TO THE UNITED STATES CONSTITUTION TO OVERTURN THE UNITED STATES  
3 SUPREME COURT RULING IN CITIZENS UNITED V. FEDERAL ELECTION  
4 COMMISSION CONCERNING CORPORATE CAMPAIGN SPENDING.

5 Whereas, on January 21, 2010, the United States Supreme Court, by a five to four  
6 decision, in *Citizens United v. Federal Election Commission*, overturned important provisions  
7 of the Bipartisan Campaign Reform Act of 2002, as well as earlier Supreme Court decisions,  
8 and swept away a century of tradition barring corporate spending in elections in the United  
9 States; and

10 Whereas, the United States Supreme Court's ruling holds that corporations are  
11 people with free speech rights under the United States Constitution and may engage in  
12 unlimited corporate spending on elections; and

13 Whereas, *Citizens United v. Federal Election Commission* unleashes the use of  
14 corporate money into the political process unmatched by any campaign expenditure totals in  
15 United States history; and

16 Whereas, *Citizens United v. Federal Election Commission* presents a serious and  
17 direct threat to republican democracy; and

18 Whereas, the decision in *Citizens United v. Federal Election Commission* grants  
19 excessive power to corporate and union interests and threatens to overwhelm the voices of  
20 individual citizens in the political process; and

21 Whereas, Article V of the United States Constitution empowers and obligates the  
22 people and states of the United States of America to use the constitutional amendment process  
23 to correct those egregiously wrong decisions of the United States Supreme Court that go to the  
24 heart of republican democracy and self-government; and

25 Whereas, corporations are legal entities that governments regulate, and the  
26 privileges they enjoy under the United States Constitution should be more narrowly defined  
27 than the rights that are afforded to natural persons; and

28 Whereas, the people and states of the United States of America have strengthened  
29 the nation and preserved liberty and equality for all by using the amendment process  
30 throughout the history of the nation, including seven of 10 decades of the twentieth century,  
31 and through that process have reversed seven erroneous Supreme Court decisions; Now,  
32 therefore,

33 Be it resolved by the Senate, the House of Representatives concurring:

34 **SECTION 1.** The North Carolina General Assembly expresses opposition to the  
35 United States Supreme Court decision in *Citizens United v. Federal Election Commission* and  
36 calls upon the United States Congress to propose and send to the states for ratification an  
37 amendment to the United States Constitution to restore republican democracy to the people of



1 the United States, to clarify that corporations are not natural persons and should not be afforded  
2 the same rights as natural persons, and to state that money is not speech.

3 **SECTION 2.** The Principal Clerk shall transmit a certified copy of this resolution  
4 to the members of North Carolina's congressional delegation.

5 **SECTION 3.** This resolution is effective upon ratification.