

SENATE JOINT RESOLUTION NO. SJ0008

Free and fair elections-3.

Sponsored by: Senator(s) Wasserburger

A JOINT RESOLUTION

for

1 A JOINT RESOLUTION requesting Congress to propose an
2 amendment to the United States Constitution for the purpose
3 of restoring free and fair elections.

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5 WHEREAS, Article 1, Section 1 of the Wyoming Constitution
6 provides that: "All power is inherent in the people, and all
7 free governments are founded on their authority, and
8 instituted for their peace, safety and happiness; for the
9 advancement of these ends they have at all times an
10 inalienable and indefeasible right to alter, reform or
11 abolish the government in such manner as they may think
12 proper;" and

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14 WHEREAS, Article 1, Section 2 of the Wyoming Constitution
15 provides that: "In their inherent right to life, liberty and

1 the pursuit of happiness, all members of the human race are
2 equal;" and

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4 WHEREAS, the words "human race" in Article 1, Section 2 of
5 the Wyoming Constitution preserve political rights only for
6 natural persons, giving no such protections to artificial
7 persons such as corporations; and

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9 WHEREAS, Article 10, Section 2 of the Wyoming Constitution
10 provides that: "All powers and franchises of corporations are
11 derived from the people and are granted by their agent, the
12 government, for the public good and general welfare, and the
13 right and duty of the state to control and regulate them for
14 these purposes is hereby declared;" and

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16 WHEREAS, the United States Supreme Court has ruled that
17 Congress and the states lack authority to ban independent
18 corporate expenditures to political campaigns for public
19 office, relying on the concept that the spending of money to
20 elect a candidate is protected speech; and

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22 WHEREAS, this United States Supreme Court precedent has
23 allowed the creation of super political action committees in

1 campaigns for public office, which have made possible
2 unregulated campaign expenditures in unprecedented amounts;
3 and

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5 WHEREAS, the Legislature of the State of Wyoming has grave
6 concerns that corporations have privileges not enjoyed by
7 natural persons, such as limited liability, perpetual life
8 and favorable treatment of their accumulation and
9 distribution of assets, which may enable corporations to
10 financially overwhelm individual natural persons in the
11 political process; and

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13 WHEREAS, Congress, state legislatures and local legislative
14 bodies should have the authority to regulate political
15 contributions and expenditures; and

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17 WHEREAS, based on the American value of ensuring that all
18 citizens, regardless of wealth have an opportunity for their
19 political views to be heard, there is a compelling reason to
20 regulate political spending; and

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1 WHEREAS, a constitutional amendment can overrule United
2 States Supreme Court precedent interpreting the United States
3 Constitution; and

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5 WHEREAS, it is the solemn duty of the states to protect the
6 political rights of natural persons and to restore confidence
7 in the integrity of our elections, by proposing amendments to
8 the Constitution of the United States for the purpose of
9 restoring free and fair elections.

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11 *NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE*
12 *LEGISLATURE OF THE STATE OF WYOMING:*

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14 **Section 1.** That the Legislature of the State of Wyoming
15 hereby calls on the Wyoming Congressional Delegation and all
16 the members of the United States Congress to propose
17 amendments to the Constitution of the United States
18 consistent with the findings of this resolution that would
19 distinguish between the political rights of natural persons
20 and the political rights of corporations and other legal
21 entities and provide that Congress and the several states may
22 regulate all monies raised and spent for political purposes.

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1 **Section 2.** That the Secretary of State of Wyoming
2 transmit copies of this resolution to the President of the
3 United States, the President of the Senate and the Speaker of
4 the House of Representatives of the United States Congress,
5 the Wyoming Congressional Delegation and the presiding
6 officers of each of the legislative houses in the several
7 states, requesting their cooperation.

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(END)