

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE JOINT RESOLUTION NO. [BILL NUMBER]

Free and fair elections.

Sponsored by: Joint Corporations, Elections & Political
Subdivisions Interim Committee

A JOINT RESOLUTION

for

1 A JOINT RESOLUTION requesting Congress to propose a
2 constitutional amendment ensuring free and fair elections.

3

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

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1 WHEREAS, Article 1, Section 2 of the Wyoming Constitution
2 provides that: "In their inherent right to life, liberty and
3 the pursuit of happiness, all members of the human race are
4 equal;" and

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

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

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

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1 WHEREAS, this United States Supreme Court precedent has
2 allowed the creation of super political action committees in
3 campaigns for public office, which have made possible
4 unregulated campaign expenditures in unprecedented amounts;
5 and

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

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

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

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1 WHEREAS, a constitutional amendment would control over United
2 States Supreme Court precedent interpreting the United States
3 Constitution.

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5 *NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE*
6 *LEGISLATURE OF THE STATE OF WYOMING:*

7

8 **Section 1.** That the Legislature of the State of Wyoming
9 respectfully urges the Congress of the United States to
10 propose and send to the states for ratification an amendment
11 to the United States Constitution consistent with the
12 findings of this resolution establishing a distinction
13 between the rights of natural persons and the rights of
14 corporations and other legal entities and providing that
15 Congress and state legislatures may regulate monies raised
16 and spent for political purposes by corporations and other
17 legal entities that are not natural persons.

18

19 **Section 2.** That the Secretary of State of Wyoming
20 transmit copies of this resolution to the President of the
21 United States, to the President of the Senate and the Speaker
22 of the House of Representatives of the United States Congress
23 and to the Wyoming Congressional Delegation.

(END)