

HOUSE JOINT RESOLUTION NO. HJ0010

Free and fair elections.

Sponsored by: Representative(s) Gierau, Connolly, Freeman and Schwartz

A JOINT RESOLUTION

for

1 A JOINT RESOLUTION urging 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
6 all 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

12

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

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

3

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

8

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

15

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
20 to elect a candidate is protected speech; and

21

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

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

4

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

12

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

16

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

21

1 WHEREAS, a constitutional amendment is required to overturn
2 United States Supreme Court precedent interpreting the
3 United States Constitution.

4

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
9 Wyoming respectfully urges the Congress of the United
10 States to propose and send to the states for ratification
11 an amendment to the United States Constitution consistent
12 with the findings of this resolution clarifying the
13 distinction between the rights of natural persons and the
14 rights of corporations and other legal entities and
15 providing that Congress and state legislatures may regulate
16 all moneys raised and spent for political purposes.

17

1 **Section 2.** That the Secretary of State of Wyoming
2 transmit copies of this resolution to the President of the
3 United States, to the President of the Senate and the
4 Speaker of the House of Representatives of the United
5 States Congress and to the Wyoming Congressional
6 Delegation.

7

8

(END)