

The Legislature
of the
State of New Mexico

50th Legislature, 2nd Session

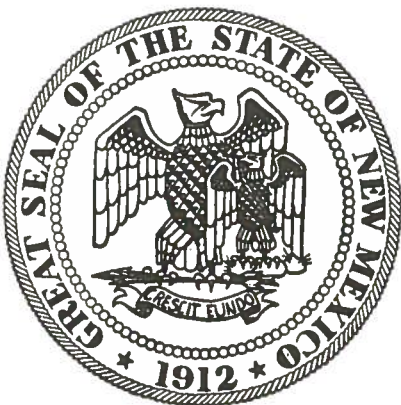
LAWS 2012

CHAPTER _____

SENATE MEMORIAL 3, as amended

Introduced by

SENATOR STEPHEN H. FISCHMANN



1 A MEMORIAL

2 EXPRESSING OPPOSITION TO THE UNITED STATES SUPREME COURT
3 RULING IN *CITIZENS UNITED V. FEDERAL ELECTION COMMISSION*
4 CONCERNING CORPORATE CAMPAIGN SPENDING AND REQUESTING
5 CONGRESS TO PROPOSE AN AMENDMENT TO THE UNITED STATES
6 CONSTITUTION.

7
8 WHEREAS, on January 21, 2010, the United States supreme
9 court, by a five to four decision in *Citizens United v.*
10 *Federal Election Commission*, overturned several important
11 provisions of the Bipartisan Campaign Reform Act of 2002, as
12 well as earlier supreme court decisions, and swept away a
13 century of tradition barring corporate spending in elections
14 in the United States; and

15 WHEREAS, the United States supreme court's ruling holds
16 that corporations are people with free speech rights under
17 the United States constitution and may engage in unlimited
18 corporate spending in elections; and

19 WHEREAS, *Citizens United v. Federal Election Commission*
20 unleashes a torrent of corporate money into the political
21 process unmatched by any campaign expenditure totals in
22 United States history; and

23 WHEREAS, *Citizens United v. Federal Election Commission*
24 purports to invalidate state laws and even state
25 constitutional provisions separating corporate money from

1 elections; and

2 WHEREAS, *Citizens United v. Federal Election Commission*
3 presents a serious and direct threat to republican democracy;
4 and

5 WHEREAS, the decision in *Citizens United v. Federal*
6 *Election Commission* grants excessive power to corporate
7 interests and unions and threatens to overwhelm the voices of
8 individual citizens in the political process; and

9 WHEREAS, Article V of the United States constitution
10 empowers and obligates the people and states of the United
11 States of America to use the constitutional amendment process
12 to correct those egregiously wrong decisions of the United
13 States supreme court that go to the heart of democracy and
14 republican self-government; and

15 WHEREAS, the people and states of the United States of
16 America have strengthened the nation and preserved liberty
17 and equality for all by using the amendment process
18 throughout history, including in seven of the ten decades of
19 the twentieth century, and through the amendment process have
20 reversed seven erroneous supreme court decisions;

21 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE
22 STATE OF NEW MEXICO that it express strong opposition to the
23 United States supreme court's decision in *Citizens United v.*
24 *Federal Election Commission* and call upon the United States
25 congress to propose and send to the states for ratification

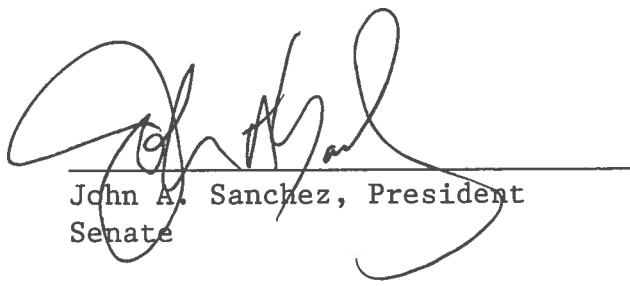
1 an amendment to the United States constitution to restore
2 republican democracy to the people of the United States; and

3 BE IT FURTHER RESOLVED that copies of this memorial be
4 transmitted to the members of the New Mexico congressional
5 delegation. _____

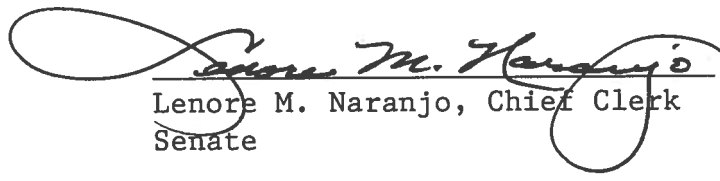
SM 3
Page 3

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

RECEIVED
FEB 13 PM 3:42
STATE OF TEXAS



John A. Sanchez, President
Senate



Lenore M. Naranjo, Chief Clerk
Senate