

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 2404

(SENATE AUTHORS: MARTY, Clausen, Carlson, Jensen and Dahle)

DATE	D-PG	OFFICIAL STATUS
03/08/2016	4914	Introduction and first reading Referred to Judiciary
03/10/2016	4966	Author added Dahle
03/23/2016	5175	Comm report: To pass and re-referred to Rules and Administration

1.1 A resolution

1.2 memorializing Congress; requesting that Congress clarify that the rights protected
1.3 under the Constitution are the rights of natural persons and not the rights of artificial
1.4 entities and that spending money to influence elections is not speech under the First
1.5 Amendment; asking that Congress propose a constitutional amendment to provide
1.6 such clarification, and, if Congress does not propose an amendment, applying to
1.7 Congress to call a convention to propose such an amendment.

1.8 WHEREAS, when the states and federal government first authorized the creation of
1.9 corporations, they were regulated by the people and their elected representatives through law; and

1.10 WHEREAS, the Supreme Court granted constitutional rights to corporations thereby
1.11 limiting the right of the people to regulate corporations through federal, state, or local law; and

1.12 WHEREAS, Supreme Court rulings on political spending in recent decades have
1.13 undermined the First Amendment, which was designed, even according to the Supreme Court in
1.14 1976, "to secure the widest possible dissemination of information from diverse and antagonistic
1.15 sources," and "to assure the unfettered interchange of ideas for the bringing about of political
1.16 and social changes desired by the people." Supreme Court rulings that have equated money as
1.17 speech have enabled people, corporations, and other entities to spend virtually unlimited money
1.18 in support of favored candidates and interests, undermining the core First Amendment value of
1.19 open and robust debate in the political process and the opportunity for voters to hear speech
1.20 from all candidates and all perspectives; and

1.21 WHEREAS, by giving artificial entities the constitutional rights of persons and treating
1.22 money as speech, the courts have undercut the rights of citizens to equal and meaningful
1.23 participation in the democratic process, and given corporations and other entities more power than
1.24 people when government is supposed to be "of the people, by the people, and for the people"; and

2.1 WHEREAS, this undermines public confidence in the democratic process and democratic
2.2 institutions; and

2.3 WHEREAS, under Article V of the Constitution of the United States, the Congress,
2.4 whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to the
2.5 Constitution; and

2.6 WHEREAS, under Article V of the Constitution of the United States, the Congress, on
2.7 the application of the legislatures of two-thirds of the several states, shall call a convention for
2.8 proposing amendments to the Constitution; NOW, THEREFORE,

2.9 BE IT RESOLVED by the Legislature of the State of Minnesota that it requests that
2.10 Congress propose an amendment to the Constitution that shall substantially read as follows:

2.11 "(1) The rights protected by the Constitution of the United States are the rights of natural
2.12 persons only.

2.13 (2) Any entity, including any organization or association of one or more persons, established
2.14 or allowed by the laws of any State, the United States, or any Foreign State shall have no rights
2.15 under this Constitution separate from the rights of its members, and is subject to regulation by
2.16 the people, through Federal, State, or local law through which the entity is granted rights and
2.17 given responsibilities.

2.18 (3) Federal, State, and local government shall regulate, limit, or prohibit contributions and
2.19 expenditures, including a candidate's own contributions and expenditures, to ensure that all
2.20 citizens, regardless of their economic status, have access to the political process, and that no
2.21 person gains, as a result of their money, substantially more access or ability to influence in any
2.22 way the election of any candidate for public office or any ballot measure.

2.23 (4) Federal, State, and local government shall require that any permissible contributions
2.24 and expenditures be publicly disclosed."

2.25 BE IT FURTHER RESOLVED that if Congress does not propose the amendment or a
2.26 substantially similar amendment as contained in this resolution, the Legislature of the State of
2.27 Minnesota applies to the Congress of the United States to call a convention for the purpose of
2.28 proposing the amendment or a substantially similar amendment as contained in this resolution as
2.29 an amendment to the Constitution; and

2.30 BE IT FURTHER RESOLVED that the Legislature of the State of Minnesota and the people
2.31 of Minnesota demand that if Congress does not propose the amendment in this resolution and if at
2.32 least two-thirds of state legislatures have applied to Congress to call for a convention to adopt the

3.1 same or a substantially similar constitutional amendment as contained in this resolution, then the
3.2 Congress must exercise its constitutional duty to call a convention, and that the convention shall
3.3 be called within six months from the date that at least two-thirds of state legislatures have made
3.4 the same or similar application to Congress; and

3.5 BE IT FURTHER RESOLVED that the Legislature of the State of Minnesota calls on other
3.6 states to join with the Legislature of the State of Minnesota in this action by passing the same
3.7 or similar resolutions; and

3.8 BE IT FURTHER RESOLVED that the Secretary of State of Minnesota is directed to
3.9 prepare copies of this resolution and transmit them to the Speaker and the Clerk of the United
3.10 States House of Representatives, the President and the Secretary of the United States Senate, the
3.11 United States Secretary of State, and Minnesota's Senators and Representatives in Congress.