



## 2021 SENATE JOINT RESOLUTION 61

August 26, 2021 - Introduced by Senators SMITH, LARSON, CARPENTER, AGARD, JOHNSON and RINGHAND, cosponsored by Representatives SUBECK, ANDERSON, BROSTOFF, ANDRACA, BALDEH, CABRERA, CONLEY, CONSIDINE, HEBL, HESSELBEIN, MILROY, NEUBAUER, OHNSTAD, SHANKLAND, SNODGRASS, SPREITZER and VINING. Referred to Committee on Veterans and Military Affairs and Constitution and Federalism.

1 **Relating to:** an advisory referendum on an amendment to the U.S. Constitution.

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### *Analysis by the Legislative Reference Bureau*

In the case of *Citizens United v. F.E.C.*, the U.S. Supreme Court ruled that corporations are “persons” for the purpose of political speech, thus allowing corporations to make unlimited expenditures in political campaigns. The U.S. Constitution grants Congress the power to propose amendments to the Constitution that become effective when ratified by the legislatures of three-fourths of the states. Amendments can have the effect of overturning—in effect repealing—prior decisions of the Supreme Court. This resolution places a question on the November 2022 ballot to ask the people if Congress should propose an amendment to overturn *Citizens United v. F.E.C.*

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2 **Resolved by the senate, the assembly concurring, That** the following  
3 question be submitted, for advisory purposes only, to the voters of this state at the  
4 general election to be held in November 2022:

5 **QUESTION 1: *Overturning Citizens United.*** “The U.S. Supreme Court’s  
6 decisions in *Citizens United* and related cases allow unlimited spending to influence  
7 local, state, and federal elections. To allow all Americans to have an equal say in our

1 democracy, shall Wisconsin's congressional delegation support, and the Wisconsin  
2 Legislature ratify, an amendment to the U.S. Constitution stating:

3 1. Only human beings—not corporations, unions, nonprofit organizations, or  
4 other artificial entities—are endowed with constitutional rights; and

5 2. Money is not speech, and therefore limiting political contributions and  
6 spending is not equivalent to limiting political speech?"

7 (END)