



## Model Ballot Question

### An Act Instructing Congress to Adopt a Constitutional Amendment to Restore Democracy

**Ballot summary:** Shall the city of XXX adopt a policy that there should be limits on campaign spending and that corporations are not people with constitutional rights and instruct our elected officials to promote that policy through legislation and amendments to the United States Constitution.

#### Section 1. Findings.

The People of XXX City find and declare that:

- 1) Corporations are not mentioned in the Constitution, which is intended to protect the rights of individual human beings ("real people"); and,
- 2) Corporations can and do make important contributions to our society using powerful advantages that government has wisely granted them, but that does not make them real people; and,
- 3) United States Supreme Court Justice Hugo Black in a 1938 dissenting opinion stated, "I do not believe the word 'person' in the Fourteenth Amendment includes corporations"; and,
- 4) The United States Supreme Court recognized in *Austin v. Michigan Chamber of Commerce* (1990) the threat to a republican form of government posed by "the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public's support for the corporation's political ideas"; and,
- 5) The United States Supreme Court in *Citizens United v. Federal Election Commission* (2010) reversed the decision in *Austin* and the portion of *McConnell v. Federal Elections Commission* that upheld bans on corporate and labor treasury funds for electioneering, and presents a serious threat to self-government by rolling back previous bans on corporate and labor union treasury spending in the electoral process and allows unlimited corporate spending to influence elections, candidate selection, policy decisions and public debate; and,
- 6) The opinion of the four dissenting justices in *Citizens United* noted that corporations have special privileges not enjoyed by real people, such as limited liability, perpetual life, and favorable treatment of the accumulation and distribution of assets, that allow them to spend huge sums on campaign messages that have little or no correlation with the beliefs held by real people; and,
- 7) Corporations have used the artificial "rights" bestowed upon them by the courts to overturn democratically enacted laws that municipal, state and federal governments passed to curb corporate abuse, thereby impairing local governments' ability to protect their citizens against corporate harms to the environment, to consumers, to workers, to independent businesses, to local and regional economies; and,
- 8) The United States Supreme Court held in *Buckley v. Valeo* (1976) that the appearance of corruption justified some limits on contributions to candidates, but it wrongly rejected other fundamental interests such as creating a level playing field and ensuring that all citizens, regardless of wealth,



have an opportunity to have their political views heard; and,

9) Federal courts in *Buckley* and in *SpeechNow.org v. Federal Election Commission* (2010) overturned spending and contribution limits on independent campaigns that helped level the political playing field because they incorrectly concluded that the threat of corruption was only applicable to direct contributions to candidates; and,

10) The United States Supreme Court in *First National Bank of Boston v Bellotti* (1978) and *Citizens Against Rent Control v. City of Berkeley* (1981) rejected limits on contributions to ballot measure campaigns because they concluded they posed no threat of candidate corruption; and,

11) United States Supreme Court Justice Stevens observed in *Nixon v. Shrink Missouri Government PAC* (2000) that “money is property, it is not speech,” while the Court declined to strike down limits on contributions so long as they did not drive a candidate’s voice below the level of notice, and,

12) A February 2010 Washington Post-ABC News poll found that 80 percent of Americans oppose the U.S. Supreme Court *Citizens United* ruling; and,

13) Article V of the United States Constitution empowers and obligates the people of the United States of America to use the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and the republican form of self-government;

## **Section 2. Policy Statement.**

It is the official policy of the city/state of XX that limits on political campaign spending will promote the goals of the First Amendment by ensuring that all citizens, regardless of wealth, have an opportunity to have their voices noticed on a level playing field, that all campaign spending should be fully disclosed, and that corporations do not enjoy the same constitutional rights as natural persons.

## **Section 3. Implementation.**

The voters if xxx/city instruct our elected officials to use all their delegated authority to implement this policy through using all legal and proper means to support legislation and a constitutional amendment that would accomplish these goals and reverse the Supreme Court’s ruling in *Citizens United v. Federal Elections Commission*.

Upon passage of this measure, the city clerk of XXX/City shall send a formal written notice of this policy statement and instructions to all of XXX/city’s local and federal elected officials.

The Mayor of xxx/city shall convene a town hall meeting during October of each year providing an opportunity for the elected officials of XXX city to explain to the citizens of XXX/city how they have worked diligently to implement this policy and to accept public comment on the policy and its implementation.