

Initiative Measure No. 1329

filed January 14, 2014

AN ACT regarding the influence of corporations and money in our political system.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

New Section. **Sec. 1.** INTENT.

This act declares that the people of Washington State support amending the US Constitution to reduce the influence of money on elections and government policy. The amendment would overturn all U.S. Supreme Court decisions granting constitutional rights to corporations and other special interests, and would provide for regulation and disclosure of political contributions and spending, in order to ensure that no person or artificial legal entity gains undue influence over government as a result of money.

New Section. **Sec. 2.** FINDINGS.

The people of the state of Washington find that:

1. "We the People" in the Preamble to the United States Constitution refers to natural, living, breathing persons. We, the people, have rights that are inherent, inalienable, and protected in the Constitution.
2. Corporations and other artificial legal entities are separate and apart from human beings, and are nowhere mentioned in the United States Constitution. The primary purpose of most for-profit corporations is to generate profits. Many large corporations (both foreign and domestic) invest in political campaigns to change or bypass regulatory law intended to protect the public. Therefore, corporate participation in the political process often conflicts with the public interest.
3. Using authority granted by the people, governments allow the creation of corporations and provide for their regulation. All privileges of any such artificial entity are therefore subject to regulation by government. There are no Constitutional provisions that give them immunity or protection from governmental regulation. Constitutional rights and protections are solely for human beings.
4. The First Amendment of the Constitution grants each citizen the right to speak his or her mind in public without fear of censorship. Today's U.S. Supreme Court has granted those free speech rights to corporate "persons." Corporations cannot "speak" in the same way that people do; they use money to buy ads or hire proxies for electioneering purposes. The Court has, therefore, equated speech with money, encouraging unlimited political spending to influence government. The voices of wealthy individuals and special interests now dominate our political system. The speech of those with less money is drowned out.

The freedom to spend money on political speech, without limitation or regulation, overturns 100 years of legal precedent. Spending on elections is growing exponentially.

Money is clearly not speech (it is property), and we must overturn the erroneous notion that it is speech by amending the Constitution. No citizen should be denied equal access and ability to influence the political system based upon his or her economic status.

5. Anonymous funding of political speech prevents citizens from assessing the truth of anonymous ads or messages. People judge the truth of a message by their trust or faith in its source, and whether there is substantial benefit to the speaker from their believing the message. The public has little ability to weigh the truth of a message whose funding source is unknown, and we cannot hold the sponsor of anonymous political speech accountable when the message proves false or misleading.

Corporations that express themselves politically should be held accountable by the public. Full and timely disclosure of the sources of support for candidates and legislative measures is essential to effective governance in our political system.

6. The independent press, once focused on finding and analyzing important election and legislation information for citizens, has been steadily taken over by large media enterprises whose primary goal is increasing profits for shareholders. Unlimited, unidentified political messages purchased in corporate media markets by large companies and wealthy contributors serve to increase corporate profits for a limited segment of our society rather than to help create an informed citizenry.
7. Our representatives in government should be devoted to the important work that they were elected to perform and for which taxpayers pay their salaries. Our political parties and candidates should be developing policies that represent the interests and needs of all the people. The current system allows unlimited contributions to Political Action Committees (PACs) and unlimited and anonymous contributions to other non-profits engaged in so-called 'independent' electioneering. Attack ads account for 80% of independent campaign expenditures. This has resulted in candidates, political parties, and our elected representatives having to devote a significant percentage of their time to courting very large donors in order to compete politically. Therefore, campaigns are often focused on the needs or opinions of wealthy donors, as opposed to those of the people.
8. Our election process should encourage the most qualified candidates to run, and should support fundraising proportional to the actual support of people within the area they seek to represent. Instead, recent court decisions allowing virtually unlimited independent election spending and overly generous or unlimited direct campaign contributions have created a significant barrier for first-time or independent candidates who are interested in public service, but have limited access to funding. As it stands today, such candidates can rarely raise sufficient funds to compete with incumbents and dominant party candidates who attract large donor resources to their campaigns, parties, PACs, or non-profit groups making independent expenditures.
9. Over the last thirty years, several U.S. Supreme Court decisions, including *Buckley v. Valeo*, *Citizens United v. Federal Election Commission (FEC)*, and *SpeechNow.org v. FEC*, have severely hampered the ability of federal, state, and local governments to enact reasonable campaign finance reforms that would allow for more equal political influence by all citizens.

10. It is our duty as citizens to defend against the corruption of our democracy, and to clarify the intent of our Constitution when the U.S. Supreme Court makes errors of interpretation. We have used Constitutional amendments to correct Supreme Court decisions seven times in our history as a nation. It is urgent that we do so once more. Sixteen states have passed resolutions, issued letters or passed initiatives calling on Congress to address the undue influence of corporations and the wealthy in our political systems. Sixteen Washington cities and counties have passed resolutions urging Congress to propose an amendment to the Constitution specifically clarifying that "money is not speech" and "corporations are not persons." It is time for Washington State to join them.

New Section. **Sec. 3. POLICY AND PROMOTION.**

The voters of the State of Washington urge immediate action by the current and future Washington State Congressional delegations to propose a joint resolution for an amendment to the United States Constitution clarifying that:

1. The rights of people protected by the Constitution of the United States are the rights of natural persons only.
2. All citizens should have an equal voice in the political process, and no person or artificial legal entity should gain undue influence over government as a result of financial resources. Federal, state, and local governments must be fully empowered to regulate all political contributions and expenditures to meet this goal.
3. All political contributions and expenditures must be publicly disclosed in a full and timely manner.

The voters of the State of Washington further recommend that the Washington State congressional delegation, and Congress generally, include an amendment ratification method in such legislation that will best ensure that the people are heard and represented during the ratification process in every state.

The voters of the State of Washington also urge our current and future Washington State legislatures to ratify such an amendment when passed by Congress and delivered to the states for ratification.

The Washington Secretary of State is authorized and directed to immediately deliver copies of this initiative, when enacted, to the following persons:

The Governor of the State of Washington,
All current members of the Washington State Legislature,
All current members of the United States Congress, and
The President of the United States.

New Section. **Sec. 4. CONSTRUCTION.**

The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act.

New Section. **Sec. 5. SEVERABILITY.**

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

New Section. **Sec. 6. MISCELLANEOUS.**

This act is known and may be cited as the “We the People Act.”