

Let the People Vote on Whether to Amend the U.S. Constitution

In 2010 in *Citizens United v. FEC*, the U.S. Supreme Court ruled that corporate and union spending on elections cannot be limited under the First Amendment. Then in 2014 the Court ruled in *McCutcheon vs. FEC* that aggregate candidate contributions cannot be capped. These decisions rest on two ideas: that artificial entities like corporations are people, and that money is speech.

WHAT NEEDS TO BE DONE?

Only an amendment to the U.S. Constitution is sufficient to make clear that artificial entities are not persons and money is not speech. We cannot rely on legislation or a new court decision to fix these problems.

First, legislation is insufficient because it can be struck down if the courts find it to be unconstitutional. Second, the Supreme Court is unlikely to overturn the doctrines that artificial entities are people and money is speech anytime soon, and even if it does, a future Supreme Court could overturn that decision.

HOW WIDESPREAD IS CONCERN ABOUT *CITIZENS UNITED*?

- A 2012 AP poll found that 81% of Republicans, 78% of Independents, and 85% of Democrats believe "there should be limits on the amount of money corporations, unions, and other organizations can contribute to outside organizations trying to influence campaigns for president, Senate, and U.S. House."
- A 2011 Hart poll found that 68% of Republicans, 82% of Independents, and 87% of Democrats "support a constitutional amendment that would overturn the *Citizens United* decision and make clear that corporations do not have the same rights as people."
- A 2012 American Sustainable Business Council poll found that 66% of small business owners feel the *Citizens United* decision has hurt them, and 88% believe money has a negative role in politics.
- In Wisconsin, over 140 local jurisdictions have called for an amendment to overturn *Citizens United*. People overwhelmingly voted in favor of an amendment, e.g., Janesville (84%), Waukesha (69%), Edgerton (87%), Belmont (88%), Eau Claire County (71%), Belleville (85%), Fort Atkinson (77%) and Shorewood (76%). Across the country, 20 state legislatures have also called for an amendment.

REQUEST

The question of whether to amend the U.S. Constitution is a serious one, and in a democratic republic it makes sense to directly ask the people. Therefore, we ask that the following language be placed on the statewide ballot:

The U.S. Supreme Court's decisions in Citizens United and related cases allow unlimited spending to influence local, state and federal elections. To allow all Americans to have an equal say in our democracy, shall Wisconsin's congressional delegation support, and the Wisconsin legislature ratify, an amendment to the U.S. Constitution stating:

- 1. Only human beings are endowed with constitutional rights--not corporations, unions, nonprofits or other artificial entities, and*
- 2. Money is not speech, and therefore limiting political contributions and spending is not equivalent to limiting speech.*

Wisconsin United To Amend

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