

Initiative Measure No. 1396

filed February 4, 2015

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

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

NewSection. Sec. 1. INTENT

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

NewSection. Sec. 2. FINDINGS

1. Free and fair elections as well as honest representation are essential to self-determination and self-governance as described in The Declaration of Independence and established in The Constitution of the United States.
2. The American people have lost faith in the political process because their voices are not heard and their interests are not represented. Thus, an ever smaller percentage of Americans is motivated to vote.
3. The US Constitution makes no mention of corporations or other artificial legal entities. There are no constitutional provisions extending rights or freedoms to such entities.
4. Through a series of decisions equating a "corporation" with a "person", the Supreme Court extended to corporations Constitutional rights and protections intended only for people. Unlike a human being, corporations can exist in perpetuity and in many countries at the same time.
5. As a result many large corporations, both foreign and domestic, invest in judicial and political campaigns to invalidate or bypass regulatory law intended to protect the public. Therefore, corporate participation in the political process often conflicts with the public interest.
6. Money is property, not speech. Nowhere in the US Constitution is money equated with free speech. Political advertising space is limited and expensive. Equating the spending of money with free speech gives those with the most money the most speech.
7. Whenever special interests, including wealthy individuals, are able to spend unlimited amounts of money on political speech, candidates and officeholders are corrupted and intimidated and the free speech of most citizens is drowned out and denied. Monopolizing public speech neither promotes nor protects free speech.
8. Anonymous contributions and spending for political gain promotes dishonesty and corruption, preventing voters from assessing the motives of the speaker. People judge the truth of a message by their trust or faith in its source. The public must be able to hold any funder of political speech accountable when that message proves false or misleading. Full and prompt disclosure of funding sources is essential to an informed

electorate, fair elections and effective governance.

9. Article V of the US Constitution empowers the people and the states to use the constitutional amendment process to correct egregious decisions by the US Supreme Court that subvert our representative government.

NewSection. Sec. 3. POLICY & PROMOTION

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

1. The rights listed and acknowledged in the Constitution of the United States are the rights of individual human beings only.
2. The judiciary shall not construe the spending of money to be free speech under the First Amendment. Federal, state, and local governments shall be fully empowered to regulate political contributions and expenditures to ensure that no person or artificial legal entity gains undue influence over government and the political process as a result of financial resources.
3. All political contributions and expenditures shall be publicly disclosed promptly and in a manner accessible to voters prior to elections.
4. Nothing contained herein shall be construed to limit the people's rights of freedom of speech, freedom of the press, free exercise of religion or freedom of association.

NewSection. Sec. 4. DIRECTION TO CONGRESSIONAL DELEGATION

In accordance with the US Constitution, the voters of the State of Washington urge the Washington State congressional delegation and the US Congress to propose state ratification conventions that ensure the people are heard and represented during the ratification process.

New Section. **Sec. 5.** DIRECTION TO STATE LEGISLATURE

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

NewSection. Sec. 6. DIRECTION TO SECRETARY OF STATE

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.

NewSection. Sec. 7. CONSTRUCTION.

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

NewSection. Sec. 8. 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.

NewSection. Sec. 9. MISCELLANEOUS.

This act is known and may be cited as the "Government of, by and for the People Act."