

# Initiative Measure No. 734

filed March 25, 2015

An Act Relating to the Influence of Corporations and Money in Our Political System; and creating new sections.

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 U.S. Constitution to eliminate the undue influence of concentrated money and political power on elections and governmental policy. The amendment would overturn Supreme Court of the United States' decisions equating the spending of money with free speech and others extending constitutional rights to corporations and other artificial legal entities. It also provides for regulation and disclosure of political contributions and spending.

## New Section. **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. Money is property; it is not speech. Nowhere in the U.S. Constitution is money equated with free speech. Because advertising space is limited and expensive. Equating the spending of money with free speech gives those with the most money the most speech.
4. Whenever special interests, including very wealthy individuals, are able to spend unlimited amounts of money on political speech, candidates and officeholders can be corrupted and intimidated and the free speech of most citizens is drowned out and denied. Monopolizing public speech neither promotes nor protects free speech.
5. Anonymous contributions and spending for political gain promotes dishonesty and corruption while preventing voters from assessing the motives of the speaker. 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.
6. The U.S. Constitution makes no mention of corporations or other artificial entities; thus, there are no provisions extending rights to such entities. However, a series of Supreme Court of the United States' decisions equated a "corporation" with a "person" have extended to corporations the constitutional rights and protections intended for people only.
7. Unlike human beings, corporations can exist in perpetuity and in many countries at the same time. As a result many large corporations, both foreign and domestic, invest in campaigns to invalidate or bypass regulatory law intended to protect the public. Thus, corporate participation in the political process often conflicts with the public interest.
8. Article V of the U.S. Constitution empowers the people and the states to use the constitutional amendment process to correct egregious decisions by the U.S. Supreme Court that subvert our representative government.

New Section. **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 U.S. Constitution clarifying that:

1. 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 our political processes. The judiciary shall not construe the spending of money to be free speech under the First Amendment of the U.S. Constitution.
2. All political contributions and expenditures shall be publicly disclosed promptly and in a manner accessible to voters prior to elections.
3. The rights listed and acknowledged in the Constitution of the United States are the rights of individual human beings only.
4. This act does not limit the people's rights to freedom of speech, freedom of the press, free exercise of religion, or freedom of association.

New Section. **Sec. 4.** RECOMMENDATION TO CONGRESS

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

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

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

New Section. **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.

New Section. **Sec. 7.** CONSTRUCTION.

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

New Section. **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, entities, or circumstances is not affected.

New Section. **Sec. 9.** MISCELLANEOUS.

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