

INITIATIVE 735

1 AN ACT Relating to the influence of corporations and money in our
2 political system; and creating new section.

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

4 NEW SECTION. **Sec. 1.** INTENT

5 This act declares that the people of Washington State support
6 amending The Constitution of the United States to eliminate the undue
7 influence of concentrated money and political power on elections and
8 governmental policy. The amendment would overturn decisions by the
9 Supreme Court of the United States extending constitutional rights to
10 corporations and other artificial legal entities as well as those
11 decisions equating the spending of money with free speech. It also
12 provides for the regulation and disclosure of political contributions
13 and spending.

14 NEW SECTION. **Sec. 2.** FINDINGS

15 1. Free and fair elections, as well as honest representation, are
16 essential to self-determination and self-governance as described in
17 The Declaration of Independence and established in The Constitution
18 of the United States.

19 2. The American people have lost faith in the political process
20 because their voices are not heard and their interests are not

1 represented. Thus, an ever smaller percentage of Americans is
2 motivated to vote.

3 3. The U.S. Constitution makes no mention of corporations or
4 other artificial entities; there are no provisions extending rights
5 to such entities. However, through a series of decisions equating a
6 "corporation" with a "person," the U.S. Supreme Court extended to
7 corporations the constitutional rights and protections intended for
8 people only.

9 4. Unlike human beings, corporations can exist in perpetuity and
10 in many countries at the same time. As a result many large
11 corporations, both foreign and domestic, invest in campaigns to
12 invalidate or bypass regulatory law intended to protect the public.
13 Thus, corporate participation in the political process often
14 conflicts with the public interest.

15 5. Money is property; it is not speech. Nowhere in the U.S.
16 Constitution is money equated with speech. Because advertising is
17 limited and costly, equating the spending of money with free speech
18 gives those with the most money the most speech.

19 6. Whenever special interests, including very wealthy
20 individuals, are able to spend unlimited amounts of money on
21 political speech, candidates and officeholders can be corrupted and
22 intimidated, and the free speech of most citizens is drowned out and
23 denied. Monopolizing public speech neither promotes nor protects free
24 speech.

25 7. Anonymous contributions and spending for political gain
26 promote dishonesty and corruption, preventing voters from assessing
27 the motives of the speaker. The public must be able to hold funders
28 of political speech accountable when their messages prove false or
29 misleading. Full and prompt disclosure of funding sources is
30 essential to an informed electorate, fair elections, and effective
31 governance.

32 8. Article V of the U.S. Constitution empowers the people and the
33 states to use the amendment process to correct egregious decisions by
34 the U.S. Supreme Court that subvert our representative government.

35 NEW SECTION. **Sec. 3.** POLICY & PROMOTION

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

1 1. The rights listed and acknowledged in The Constitution of the
2 United States are the rights of individual human beings only.

3 2. The judiciary shall not construe the spending of money to be
4 free speech under the First Amendment of The Constitution of the
5 United States. Federal, state, and local governments shall be fully
6 empowered to regulate political contributions and expenditures to
7 ensure that no person or artificial legal entity gains undue
8 influence over government and the political process.

9 3. All political contributions and expenditures shall be
10 disclosed promptly and in a manner accessible to voters prior to
11 elections.

12 4. This act does not limit the people's rights to freedom of
13 speech, freedom of the press, free exercise of religion, or freedom
14 of association.

15 NEW SECTION. **Sec. 4.** RECOMMENDATION TO CONGRESS

16 In accordance with the U.S. Constitution, the voters of the State
17 of Washington urge the Washington state congressional delegation, and
18 the U.S. Congress generally, to include an amendment ratification
19 method which will best ensure that the people are heard and
20 represented during the ratification process.

21 NEW SECTION. **Sec. 5.** RECOMMENDATION TO STATE LEGISLATURE

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

25 NEW SECTION. **Sec. 6.** DIRECTION TO SECRETARY OF STATE

26 The Washington Secretary of State is authorized and directed to
27 immediately deliver copies of this initiative, when enacted, to the
28 following persons: the governor of the State of Washington, all
29 current members of the Washington State legislature, all current
30 members of the United States Congress, and the president of the
31 United States.

32 NEW SECTION. **Sec. 7.** CONSTRUCTION.

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

1 NEW SECTION. **Sec. 8.** SEVERABILITY.

2 If any provision of this act or its application to any person,
3 entity, or circumstance is held invalid, the remainder of the act or
4 the application of the provision to other persons, artificial legal
5 entities, or circumstances is not affected.

6 NEW SECTION. **Sec. 9.** MISCELLANEOUS.

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