

H.J. Res 90: Outlawing Corporate Cash Undermining the Public Interest in our Elections & Democracy (OCCUPIED) Amendment introduced by Rep. Deutch

S.J. Res 33: The Saving American Democracy Amendment introduced by Senator Bernie Sanders

Section I: Corporations are not people.

The rights protected by the Constitution of the United States are the rights of natural persons and do not extend to for-profit corporations, limited liability companies, or other private entities established for business purposes or to promote business interests under the laws of any state, the United States, or any foreign state.

This section makes clear that corporations and entities formed to promote their business interests are not people with inalienable rights protected by the Constitution but private entities established by people in accordance with our laws. This section denies corporations the right to claim that worker protections, environmental regulations, public safeguards, and political contribution limits somehow violate their constitutional rights.

Section II: Corporations can be regulated by people.

Such corporate and other private entities established under law are subject to regulation by the people through the legislative process so long as such regulations are consistent with the powers of Congress and the States and do not limit the freedom of the press.

This section simply makes clear that corporations are established in accordance with state and federal laws put in place by people, and they are thus subject to laws written by the people. Corporations cannot claim they have constitutional protections from laws and regulations written to limit pollution, prevent discrimination, and safeguard the public.

Section III: Corporations cannot spend money in elections.

Such corporate and other private entities shall be prohibited from making contributions or expenditures in any election of any candidate for public office or upon any ballot measure submitted to a vote of the people.

This section directly overturns Citizens United by prohibited corporations and business associations from using their profits to participate in our elections, whether it is through direct expenditures or third party action. Corporations are not de facto political action committees that can treat their profits and investor dollars as political contributions.

Section IV: Money is not speech.

Congress and the States shall have the power to regulate and set limits on all election contributions and expenditures, including a candidate's own spending, and to authorize the establishment of political committees to receive, spend, and publicly disclose the sources of those contributions and expenditures.

This section overturns both Citizens United v. FEC and Buckley v. Valeo. It authorizes caps on independent expenditures and stops Super PACs from evading the authority of Congress and the states to regulate campaign finance. It makes clear that just as limits on individual giving to candidates do not violate free speech, regulation of spending and contributions by nonprofits, unions, the wealthy, and self-funded candidates is also constitutional.

Support for the Deutch-Sanders Amendment...

“Finally, a Constitutional Amendment for the 99 percent.” – Campaign for America’s Future Blog

“Public Citizen enthusiastically applauds and endorses Rep. Ted Deutch’s proposed constitutional amendment, which would comprehensively repair the damage done to our democracy by Citizens United.”
– Public Citizen

“No other congressional effort has so directly confronted the twin problems created by judges who have arrogantly granted rights to corporations, without democratic consent, and overturned bipartisan laws that limited the corrupting influence of money in our elections.”
– Center for Media and Democracy