
The Democracy is for People Amendment

Senator Bernie Sanders (I-VT) and Congressman Ted Deutch (FL-21)

Section I. Whereas the right to vote in public elections belongs only to natural persons as citizens of the United States, so shall the ability to make contributions and expenditures to influence the outcomes of public elections belong only to natural persons in accordance with this Article.

Explanation: Corporations cannot vote and they do not belong in our elections. This section overturns decisions like *Citizens United* that declared limits on corporate election spending unconstitutional, and also stops courts from using the First and Fourteenth Amendments to protect corporate election spending by excluding corporations from the right to vote. The Democracy is for People Amendment reaffirms that the right to vote belongs to the people, and thus any corporate, nonprofit, or private entity without this right is barred from spending money in elections. Any spending in elections must originate from actual individuals, not corporate treasuries, and this activity falls under the legislative purview of Congress and the States.

Section II. Nothing in this Constitution shall be construed to restrict the power of Congress and the States to protect the integrity and fairness of the electoral process, limit the corrupting influence of private wealth in public elections, and guarantee the dependence of elected officials on the people alone by taking actions which may include the establishment of systems of public financing for elections, the imposition of requirements to ensure the disclosure of contributions and expenditures made to influence the outcome of a public election by candidates, individuals, and associations of individuals, and the imposition of content neutral limitations on all such contributions and expenditures.

Explanation: This section legitimizes campaign finance reforms that go beyond the Court's narrow interpretation of laws preventing government corruption. It makes clear that the American people have the power to limit the influence of big money in politics, protect the integrity of our elections, and ensure politicians are accountable to the people. Public financing, disclosure rules, and caps on contributions and expenditures are all legitimate exercises of this power. This section overturns the *Buckley v. Valeo* (1976) "money is speech" decision allowing individuals - including individuals who are candidates - to spend unlimited sums of money independent of candidates. Building on Section I's ban corporate election spending, Section II allows for spending by associations of individuals, such as PACs, as long as the money comes from individuals who have voluntarily and knowingly donated.

Section III. Nothing in this Article shall be construed to alter the freedom of the press.

Explanation: This language simply ensures the amendment does not grow or limit the freedom of the press.

Section IV. Congress and the States shall have the power to enforce this Article through appropriate legislation.

The Democracy is for People Amendment: FAQ

What is wrong with the Citizens United decision?

The Supreme Court's *Citizens United v. FEC* decision undermined the very concept of campaign finance laws by asserting that corporations and wealthy individuals can spend unlimited money in our elections. This decision reversed precedents established by cases like *Austin v. Michigan Chamber of Commerce* and *McConnell v. FEC* that required corporate spending in elections to be limited to political action committees (PACs), funded by the voluntary donations of actual people. A subsequent case, *Speechnow.org v FEC*, gave birth to Super PACs by ruling that outside entities could use these unlimited donations to also spend without limits. In 2012, during the first presidential election since Citizens United, outside spending totaled more than what was spent in 2010, 2008, 2004, 2002 and 2000 combined.

Isn't spending money in elections a form of free speech? Why shouldn't wealthy people and corporations have the right to spend unlimited amounts to influence our elections?

Limitless spending in our elections threatens our democracy by undermining political equality and diminishing the accountability of our leaders to voters. Free speech comes at too high a price when 32 mega-rich individuals can spend over \$9 million each and surpass the \$310 million in small donations contributed to the Romney and Obama campaigns. The concept of political equality, in which every American is equal in their right to vote regardless of their background or wealth, has guided our democracy throughout history as we've expanded the right to vote, outlawed poll taxes, banned direct corporate giving to candidates, and fought government corruption.

The never-ending money race has also undermined accountability in our elected officials. Over \$7 billion was spent by candidates, parties, and outside groups like Super PACs in 2012. Every cycle, politicians are forced to spend a growing number of hours each day raising money in order to keep up with election opponents and outside groups funded by special interests that may disagree with their work in Congress. Our Constitution created a representative democracy--members of Congress were meant to go to Washington to represent the constituents of their district or state, not those who threatened to spend money against them if they did not vote a certain way.

This amendment is different from the language you introduced in the 112th Congress, and different from what other members of Congress have introduced. Why did you take this approach?

Our previous constitutional amendment only banned spending by for-profit corporations in elections, thus failing to capture much of the "dark money" we saw funneled through nonprofit organizations in 2012. Rather than chase money spent in our elections based on an organization's tax code status, we decided to focus on who should be allowed to participate in our democracy in a way that affirms the rights of the American people. Acknowledging the consensus among constitutional scholars that the issue of corporate personhood be

addressed in a separate amendment, the Democracy is for People Amendment still successfully bans corporate entities from spending money in elections by limiting contributions and expenditures to actual people and associations formed by actual people in accordance with campaign finance laws.

In *Citizens United*, the Supreme Court ruled that the only acceptable reason for the government to regulate campaign finance is to prevent quid pro quo corruption, and, astonishingly, unlimited outside spending “does not give rise to the appearance of corruption.” We strongly disagree with this reasoning. Thus our amendment makes clear that there are other reasons why Congress and the States may regulate campaign finance, including protecting the integrity and fairness of the electoral process, limiting the influence of private wealth, and guaranteeing that elected officials are dependent on the people alone, not special interests.

How will people and various types of entities be impacted by the Democracy is for People amendment?

If the Democracy is for People Amendment were ratified, all spending that did not originate from the voluntary donations of actual people would be unconstitutional. For-profit corporations, nonprofit corporations, unions, trade associations, and any other private entity without the right to vote would be unable to spend money from their general treasuries. The amendment makes clear that only natural persons may make contributions and expenditures to influence the outcome of elections in accordance with the laws set by Congress and the States.

If your amendment is ratified, what kind of laws should Congress pass to regulate campaign finance?

The amendment lays out several types of regulations that could be appropriate, including disclosure laws, monetary limits on contributions and expenditures, and public financing. Yet this is not an exclusive list, and flexibility is given to states to create campaign finance systems of their own, tailored to the needs and values of their residents.