

The OCCUPIED Amendment

Outlawing Corporate Cash Undermining the Public Interest in our Elections and Democracy

Language	Explanation
<p><u>Section 1 (Corporations are not people)</u> 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.</p>	<p>This section expressly declares that the rights protected by the Constitution are those of natural persons and overturns the radical assertion made by the majority decision in <i>Citizens United</i> that corporations have the same rights as natural persons. In addition to limiting the judicially created speech 'rights' of for-profit corporations, it also addresses the problem of corporations claiming their constitutional rights are violated by environmental protections, women's rights, and workers' rights, and other statutory protections for people.</p> <p>The language "for-profit corporations, limited liability companies, and other private entities established for business purposes" is broad enough to include all for-profit corporations and other entities formed to represent the business interests of its member-businesses.</p>
<p><u>Section 2 (Corporations can be regulated by people)</u> 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.</p>	<p>This section makes clear that as corporations are established by law, they are therefore able to be regulated by laws enacted by the people. Congress and the States have the power to regulate corporations through laws enacted to protect the environment, ensure public health, and other safeguards for the people. The section also clarifies that this amendment will not limit the freedom of the press.</p>
<p><u>Section 3 (Corporate prohibition in electioneering)</u> Such corporate and other private entities shall be prohibited from making contributions or expenditures in any election of any candidate for public office or the vote upon any ballot measure submitted to the people.</p>	<p>This section would prohibit business corporations and 501(c)(6) entities from making any election contributions and expenditures from their general treasury funds or from any other resources they may have, closing the floodgates on corporate campaign spending that <i>Citizens United</i> had opened.</p>
<p><u>Section 4 (Allowing for regulation of all electioneering, including individual and of other entities)</u> 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.</p>	<p>This section gives Congress and the States power to regulate ALL election contributions and expenditures, and by doing so, sets the stage for stronger campaign finance. For example, while nonprofit 501(c)(4) organizations are established to promote social welfare can participate in political campaigns and elections, they are not required to disclose their contributions under current tax and election laws and are the main groups currently operating with anonymous donations, paying for attack ads and funneling money into their companion Super PACs. This section would also reaffirm the ability of Congress and the States set limits on individuals' contributions, including the spending of wealthy self-financed candidates, and to regulate PACs and require the disclosure of their funding sources. This is power Congress already has, but is under siege.</p>