

2013 -- H 6051

=====
LC02459
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

J O I N T R E S O L U T I O N

**TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF
AMENDMENTS TO THE CONSTITUTION OF THE STATE (WE THE PEOPLE)**

Introduced By: Representatives Handy, Ajello, Walsh, Marcello, and Blazejewski

Date Introduced: April 30, 2013

Referred To: House Judiciary

1 WHEREAS, The General Assembly seeks to empower the citizens of the state of Rhode
2 Island with the right to determine by a vote of the people the question of whether corporations are
3 people and whether money shall be considered speech; and

4 WHEREAS, The U.S. Bill of Rights provides certain inalienable rights to natural
5 persons; and

6 WHEREAS, Corporations are not mentioned in the U.S. Constitution; and

7 WHEREAS, Corporations are legal entities that governments create, and the rights they
8 enjoy under the U.S. Constitution should be more narrowly defined than the rights that are
9 afforded to natural persons; and

10 WHEREAS, The growing influence of large independent political expenditures by
11 corporations and wealthy individuals is a great and growing concern to the people of the United
12 States and the state of Rhode Island; and

13 WHEREAS, In a democracy, the assurance of a fair and uncorrupted election process is
14 of the utmost importance, and it is a legitimate and vital role of government to regulate
15 independent political expenditures by corporations, unions, and wealthy individuals; and

16 WHEREAS, In fulfillment of this important role, the government of the United States
17 and of a majority of states have regulated and restricted independent political expenditures by
18 corporations; and

19 WHEREAS, In 2010, the Supreme Court of the United States decided by a bare majority

1 in Citizens United v. Federal Elections Commission that the First Amendment of the Constitution
2 of the United States prohibits restrictions on the use of corporate and union treasury funds for
3 electioneering; and

4 WHEREAS, Citizens United has served as a precedent for further legal decisions
5 harming our democratic system of government, including SpeechNow.org v. FEC, which allows
6 wealthy individuals to anonymously channel unlimited political expenditures through Super
7 PACs; and

8 WHEREAS, In the wake of Citizens United, there has been an exponential increase in
9 large independent political expenditures by corporations and wealthy individuals, which threatens
10 the integrity of the election process, corrupts our candidates, dilutes the power of individual
11 voters, and distorts the public discourse; now, therefore be it

12 RESOLVED, That this General Assembly of the state of Rhode Island and Providence
13 Plantations supports putting forward a proposed amendment to Article I of the Constitution of the
14 State to qualified electors of the state for their approval in accordance with the provisions of
15 Article XIV of the Constitution, and upon such approval, new sections 25 and 26, set forth below,
16 be added to and included in Article I of the Constitution; and that said proposition of amendment
17 shall appear on the ballots as the first referendum question posed and shall be preceded by the
18 following explanation and space to “approve” or “reject,” all of which shall be in substantially the
19 following form:

20 1. CONSTITUTIONAL AMENDMENT - WE THE PEOPLE

21 Approval of this amendment will recognize and define corporations as artificial entities
22 established by law, and it shall prevent money spent to influence elections to be construed as
23 speech.

24 APPROVE _____

25 REJECT _____

26 New sections shall be added to and included in Article I of the Constitution to read as
27 follows:

28 Section 25. [Artificial Entities Such as Corporations Do Not Have Constitutional Rights]

29 The rights protected by the Constitution of Rhode Island are the rights of natural persons
30 only.

31 Artificial entities established by the laws of any state, the United States, or any foreign
32 state shall have no rights under this Constitution and are subject to regulation by the people,
33 through state or local law.

34 The privileges of artificial entities shall be determined by the people, through state or

1 local law, and shall not be construed to be inherent or inalienable.

2 Section 26. [Money is Not Free Speech]

3 State and local government shall regulate, limit, or prohibit contributions and
4 expenditures, to ensure that all citizens, regardless of their economic status, have access to the
5 political process, and that no person gains, as a result of their money, substantially more access or
6 ability to influence in any way, the election of any candidate for public office or any ballot
7 measure.

8 State and local governments shall require that any permissible contributions and
9 expenditures be publicly disclosed.

10 The spending of money to influence elections shall not be construed as speech; and be it
11 further

12 RESOLVED, That the voting places in the several cities and towns shall be kept open
13 during the hours required by law for voting therein for general officers of the state; and be it
14 further

15 RESOLVED, That the Secretary of State shall cause said proposition of amendment to be
16 published as a part of this resolution in the newspapers of the state prior to the date of the said
17 meetings of the said electors; and said proposition shall be inserted in the warrants or notices to
18 district meetings of said electors; and the district meetings shall be conducted in the same manner
19 as now provided by law for the town, ward, and district meetings for the election of general
20 officers of the state.

=====
LC02459
=====