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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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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: Senators Sosnowski, Crowley, Nesselbush, and Cool Rumsey

Date Introduced: February 27, 2014

Referred To: Senate Special Legislation and Veterans Affairs

(by request)

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 whether corporations are  
3 people and whether money shall be considered speech; and

4           WHEREAS, The United States Bill of Rights provides certain inalienable rights to  
5 natural persons; and

6           WHEREAS, Corporations are not mentioned in the United States Constitution; and

7           WHEREAS, Corporations are legal entities that governments create, and the rights they  
8 enjoy under the United States Constitution should be more narrowly defined than the rights that  
9 are 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 of  
14 the utmost importance, and the Rhode Island General Assembly believes that it is a legitimate  
15 and vital role of government to regulate independent political expenditures by corporations,  
16 unions, and wealthy individuals; and

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

1           WHEREAS, In 2010, the Supreme Court of the United States decided by a bare majority  
2 in Citizens United v. Federal Elections Commission that the First Amendment of the Constitution  
3 of the United States prohibits restrictions on the use of corporate and union treasury funds for  
4 electioneering; and

5           WHEREAS, Citizens United was a dramatic reversal of established Supreme Court  
6 precedent, and overturned decades of statutes enacted by Congress and numerous state  
7 legislatures; and

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

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

15           RESOLVED, That a majority of all members elected to each house of the General  
16 Assembly voting therefor, an amendment to Article I of the Constitution of the state shall be  
17 proposed to the qualified electors of the state for their approval in accordance with the provisions  
18 of Article XIV of the Constitution, and upon such approval, new sections 25 and 26, set forth  
19 below, be added to and included in Article I of the Constitution; and that said proposition of  
20 amendment shall be submitted to the electors for their approval or rejection at the next statewide  
21 general election, and said proposition of amendment shall appear on the ballots as the first  
22 referendum question posed and shall be preceded by the following explanation and space to  
23 "approve" or "reject", all of which shall be in substantially the following form:

24           1. CONSTITUTIONAL AMENDMENT-WE THE PEOPLE

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

28           APPROVE \_\_\_\_\_

29           REJECT \_\_\_\_\_

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

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

33           The rights protected by the Constitution of Rhode Island are the rights of natural persons  
34 only.

1 Artificial entities established by the laws of any State, the United States, or any foreign  
2 state shall have no rights under this Constitution and are subject to regulation by the People,  
3 through State or local law.

4 The privileges of artificial entities shall be determined by the People, through State or  
5 local law, and shall not be construed to be inherent or inalienable.

6 Section 26. [Money is Not Free Speech]

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

12 State and local government shall require that any permissible contributions and  
13 expenditures be publicly disclosed.

14 The spending of money to influence elections shall not be construed as speech under  
15 Article 1, section 21 of the Rhode Island Constitution.

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

19 RESOLVED, That the secretary of state shall cause said proposition of amendment to be  
20 published as a part of this resolution in the newspapers of the state prior to the date of the said  
21 meetings of the said electors; and said proposition shall be inserted in the warrants or notices to  
22 district meetings of said electors; the district meetings shall be conducted in the same manner as  
23 now provided by law for the town, ward, and district meetings for the election of general officers  
24 of the state; and be it further

25 RESOLVED, that the State of Rhode Island and Providence Plantations hereby petitions  
26 Congress, under Article V of the United States Constitution, to call a Constitutional Convention  
27 for the purpose of examining the issues of corporate personhood, electoral campaign financing,  
28 and the Supreme Court decision in Citizens United v. Federal Election Commission; and be it  
29 further

30 RESOLVED, that the General Assembly considers the requirements of Article V to have  
31 been met when two-thirds of the state legislatures, including our own, shall have also petitioned  
32 Congress for such a convention for the same or similar purposes within ten years of the passage  
33 of this resolution; be it also

34 RESOLVED, that a copy of this resolution shall be entered into the Congressional record

1 and shall be distributed to the President of the United States of America, the President of the  
2 United States Senate, the Majority and Minority Leaders of the United States Senate, the Speaker  
3 of the United States House of Representatives, the Minority Leader of the United States House of  
4 Representatives, and to each leader of the houses of the legislatures of the several states, in  
5 encouragement that they enact the same.

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