
HOUSE BILL 2848

State of Washington

64th Legislature

2016 Regular Session

By Representatives Frame, Kuderer, Cody, Reykdal, Kilduff, Peterson, Van De Wege, Springer, Ortiz-Self, Bergquist, Farrell, S. Hunt, Pollet, Walkinshaw, and McBride

Read first time 01/22/16. Referred to Committee on State Government.

1 AN ACT Relating to the influence of corporations and money in our
2 political system; and creating new sections.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** INTENT. This act declares that the
5 legislature of Washington state supports amending the Constitution of
6 the United States to eliminate the undue influence of concentrated
7 money and political power on elections and governmental policy. The
8 amendment would overturn decisions by the supreme court of the United
9 States extending constitutional rights to corporations and other
10 artificial legal entities as well as those decisions equating the
11 spending of money with free speech. It also provides for the
12 regulation and disclosure of political contributions and spending.

13 NEW SECTION. **Sec. 2.** FINDINGS. (1) Free and fair elections, as
14 well as honest representation, are essential to self-determination
15 and self-governance as described in the Declaration of Independence
16 and established in the Constitution of the United States.

17 (2) The American people have lost faith in the political process
18 because their voices are not heard and their interests are not
19 represented. Thus, an ever smaller percentage of Americans is
20 motivated to vote.

1 (3) The United States Constitution makes no mention of
2 corporations or other artificial entities; there are no provisions
3 extending rights to such entities. However, through a series of
4 decisions equating a "corporation" with a "person," the United States
5 supreme court extended to corporations the constitutional rights and
6 protections intended for people only.

7 (4) Unlike human beings, corporations can exist in perpetuity and
8 in many countries at the same time. As a result many large
9 corporations, both foreign and domestic, invest in campaigns to
10 invalidate or bypass regulatory law intended to protect the public.
11 Thus, corporate participation in the political process often
12 conflicts with the public interest.

13 (5) Money is property; it is not speech. Nowhere in the United
14 States Constitution is money equated with speech. Because advertising
15 is limited and costly, equating the spending of money with free
16 speech gives those with the most money the most speech.

17 (6) Whenever special interests, including very wealthy
18 individuals, are able to spend unlimited amounts of money on
19 political speech, candidates and officeholders can be corrupted and
20 intimidated, and the free speech of most citizens is drowned out and
21 denied. Monopolizing public speech neither promotes nor protects free
22 speech.

23 (7) Anonymous contributions and spending for political gain
24 promote dishonesty and corruption, preventing voters from assessing
25 the motives of the speaker. The public must be able to hold funders
26 of political speech accountable when their messages prove false or
27 misleading. Full and prompt disclosure of funding sources is
28 essential to an informed electorate, fair elections, and effective
29 governance.

30 (8) Article V of the United States Constitution empowers the
31 people and the states to use the amendment process to correct
32 egregious decisions by the United States supreme court that subvert
33 our representative government.

34 NEW SECTION. **Sec. 3.** POLICY AND PROMOTION. The legislature of
35 the state of Washington urges immediate action by the current and
36 future Washington state congressional delegations to propose a joint
37 resolution for an amendment to the Constitution of the United States
38 clarifying that:

1 (1) The rights listed and acknowledged in the Constitution of the
2 United States are the rights of individual human beings only;

3 (2) The judiciary shall not construe the spending of money to be
4 free speech under the First Amendment of the Constitution of the
5 United States. Federal, state, and local governments shall be fully
6 empowered to regulate political contributions and expenditures to
7 ensure that no person or artificial legal entity gains undue
8 influence over government and the political process;

9 (3) All political contributions and expenditures shall be
10 disclosed promptly and in a manner accessible to voters prior to
11 elections; and

12 (4) This act does not limit the people's rights to freedom of
13 speech, freedom of the press, free exercise of religion, or freedom
14 of association.

15 NEW SECTION. **Sec. 4.** RECOMMENDATION TO CONGRESS. In accordance
16 with the United States Constitution, the legislature of the state of
17 Washington urge the Washington state congressional delegation, and
18 the United States congress generally, to include an amendment
19 ratification method which will best ensure that the people are heard
20 and represented during the ratification process.

21 NEW SECTION. **Sec. 5.** RECOMMENDATION TO STATE LEGISLATURE. The
22 legislature of the state of Washington urges our current and future
23 Washington state legislatures to ratify such an amendment when passed
24 by Congress and delivered to the states for ratification.

25 NEW SECTION. **Sec. 6.** DIRECTION TO SECRETARY OF STATE. The
26 Washington secretary of state is authorized and directed to
27 immediately deliver copies of this act, when enacted, to the
28 following persons: The governor of the state of Washington, all
29 current members of the Washington state legislature, all current
30 members of the United States congress, and the president of the
31 United States.

32 NEW SECTION. **Sec. 7.** CONSTRUCTION. The provisions of this act
33 are to be liberally construed to effectuate the intent, policies, and
34 purposes of this act.

1 NEW SECTION. **Sec. 8.** SEVERABILITY. If any provision of this act
2 or its application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 9.** MISCELLANEOUS. This act may be known and
6 cited as the "government of, by, and for the people act."

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