**Comparison of Proposed Constitutional Amendments – Updated July 2, 2013 by Charlie Cooper**

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|  **Sponsor** | **Title & Date** | **Supporting Organizations**  | **Permits Regulation of Election Spending** | **Money Does Not Equal Speech** | **Limits Const’l Rights to Natural Persons** | **Other** |
| Rep. Deutch, FL +34 andSen. Sanders, VT | [HJR 34](http://thomas.loc.gov/cgi-bin/query/z?c113:H.J.RES.34.IH:), 3/12/2013 [SJR 11](http://thomas.loc.gov/cgi-bin/query/z?c113:S.J.RES.11.IS:), 3/13/2013 and[S 525](http://thomas.loc.gov/cgi-bin/query/z?c113:S.525:), 3/13/2013 (identical to SJR 11) | Public Citizen<http://action.citizen.org/p/dia/action/public/?action_KEY=12139> | Yes – only natural persons may spend to influence elections | Indirectly | Only regarding elections | Protects free press; allows public finance and disclosure |
| Sen. Baucus, MT + 1 | [SJR 5](http://thomas.loc.gov/cgi-bin/query/z?c113:S.J.RES.5.IS:) |  | Yes, by corporations, labor, or other for-profit entity to candidates | Indirectly | No | Protects free press |
| Rep. Kaptur, OH | [HJR 12](http://thomas.loc.gov/cgi-bin/query/z?c113:H.J.RES.12.IH:), 1/4/2013 |  | Yes, regarding candidates only | Indirectly | No |  |
| Rep. Kaptur, OH | [HJR 13](http://thomas.loc.gov/cgi-bin/query/z?c113:H.J.RES.13.IH:) 1/4/2013**Note**: HJR 14 by Kaptur combines the texts of HJR 12 and HJR 13 |  | No | No | Restricts only political speech of corps or business | Seems to exclude labor unions from regulation |
| Rep. McGovern, MA + 9 | [HJR 20](http://thomas.loc.gov/cgi-bin/query/z?c113:H.J.RES.20.IH:), 1/22/13 | Free Speech for People<http://freespeechforpeople.org/node/500>  | Yes | Indirectly | No | Covers in-kind contributions |
| Sen. Udall, NM + 20 | SJR 19, 6/18/13 | Very similar to McGovern language | Yes | Indirectly | No | Covers in-kind contributions |
| Rep. McGovern, MA + 8 andSen. Tester +1 | [HJR 21](http://thomas.loc.gov/cgi-bin/query/z?c113:H.J.RES.21.IH:), 1/22/13[SJR 18](http://thomas.loc.gov/cgi-bin/query/z?c113:S.J.RES.18:), 6/18/13 | Free Speech for People<http://freespeechforpeople.org/node/500> | No | No | Yes | Speech, press, religion, association protected |
| Rep. Edwards, MD + 29 | [HJR 25](http://thomas.loc.gov/cgi-bin/query/z?c113:H.J.RES.25:), 2/28/13 |  | “political activity” by corporations | Indirectly | No | Protects free press |
| Rep. Nolan, MN + 1Sen. Tester, MT + 1 | We the People Amendment, [HJR 29](http://thomas.loc.gov/cgi-bin/query/z?c113:H.J.RES.29:), 2/14/13[SJR 18](http://thomas.loc.gov/cgi-bin/query/z?c113:S.J.RES.18:), 6/18/13 | Move to Amend<https://movetoamend.org/wethepeopleamendment>  | Yes; government ”shall regulate” contributions & expenditures including candidates’ own contributions | Yes | Yes | Requires disclosure |
| Mr. Schiff, CA +14 | [HJR 31](http://thomas.loc.gov/cgi-bin/query/z?c113:H.J.RES.31.IH:), 2/14/13 |  | Yes | Indirectly | No | Permits public financing |
| Rep. Schrader, OR | [HJR32](http://thomas.loc.gov/cgi-bin/query/z?c113:H.J.RES.32.IH:), 2/26/13 |  | Yes; contributions and media ads | Indirectly | No | Bans foreign contri-butions; covers in-kind |

The table above summarizes 14 constitutional amendment resolutions now introduced in the 113th Congress. The language differs among them quite a bit, especially regarding “corporate personhood,” which – if addressed – is eliminated by eliminating a broad or a narrow range of rights to “natural persons.” Most of the amendments relate to contributions to or electioneering for or against candidates for office (both federal and state/local) but some also limit spending on ballot questions. Only the Nolan amendment directly states that money is not speech, but many of the resolutions indirectly break the connection between free speech and monetary contributions by explicitly permitting regulation.

The Deutch amendment has the most co-sponsors, but the weak Edwards amendment is close behind. The strong Nolan amendment has only one co-sponsor. . There are four resolutions in the Senate. Sen. Udall of Colorado has 20 co-sponsors for the amendment backed by Free Speech for People on regulating political spending while Sen. Testor of Montana has only one co-sponsor for the companion language on limiting constitutional rights to natural persons.

**Deutch and Sanders Amendment Proposal,** The Democracy Is For People Constitutional Amendment:

`Section 1. 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 outcome of public elections belong only to natural persons in accordance with this Article.

`Section 2. 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.

`Section 3. Nothing in this Article shall be construed to alter the freedom of the press.

`Section 4. Congress and the States shall have the power to enforce this Article through appropriate legislation.'.

**Baucus Amendment**

`Section 1. Congress shall have the power to regulate the contribution of funds by corporations, entities organized and operated for profit, and labor organizations to a candidate for election to, or for nomination for election to, a Federal office, and the power to regulate the expenditure of funds by corporations, entities organized and operated for profit, and labor organizations made in support of, or opposition to, such candidates.

`Section 2. A State shall have the power to regulate the contribution of funds by corporations, entities organized and operated for profit, and labor organizations to a candidate for election to, or for nomination for election to, public office in the State, and the power to regulate the expenditure of funds by corporations, entities organized and operated for profit, and labor organizations made in support of, or opposition to, such candidates.

`Section 3. Nothing contained in this Amendment shall be construed to allow Congress or a State to make any law abridging the freedom of the press.'.

**Kaptur Amendment HJR 12**

`Section 1. Congress shall have power to set limits on the amount of contributions that may be accepted by, and the amount of expenditures that may be made by, in support of, or in opposition to, a candidate for nomination for election to, or for election to, Federal office.

`Section 2. A State shall have power to set limits on the amount of contributions that may be accepted by, and the amount of expenditures that may be made by, in support of, or in opposition to, a candidate for nomination for election to, or for election to, State or local office.

`Section 3. Congress shall have power to implement and enforce this article by appropriate legislation.'.

**Kaptur Amendment, HJR 13**

`The first article of amendment does not apply to the political speech of any corporation, partnership, business trust, association, or other business organization with respect to the making of contributions, expenditures, or other disbursements of funds in connection with public elections.'.

**Kaptur Amendment, HJR 14 (combines 12 and 13)**

`Section 1. The first article of amendment does not apply to the political speech of any corporation, partnership, business trust, association, or other business organization with respect to the making of contributions, expenditures, or other disbursements of funds in connection with public elections.

`Section 2. Congress shall have power to set limits on the amount of contributions that may be accepted by, and the amount of expenditures that may be made by, in support of, or in opposition to, a candidate for nomination for election to, or for election to, Federal office.

`Section 3. A State shall have power to set limits on the amount of contributions that may be accepted by, and the amount of expenditures that may be made by, in support of, or in opposition to, a candidate for nomination for election to, or for election to, State or local office.

`Section 4. Congress shall have power to implement and enforce this article by appropriate legislation.'.

**McGovern Amendment Proposal, H. J. RES 20**

`Section 1. To advance the fundamental principle of political equality for all, Congress shall have power to regulate the raising and spending of money and in-kind equivalents with respect to Federal elections, including through setting limits on—

`(1) the amount of contributions to candidates for nomination for election to, or for election to, Federal office; and

`(2) the amount of expenditures that may be made by, in support of, or in opposition to such candidates.

`Section 2. To advance the fundamental principle of political equality for all, a State shall have power to regulate the raising and spending of money and in-kind equivalents with respect to State elections, including through setting limits on--

`(1) the amount of contributions to candidates for nomination for election to, or for election to, State office; and

`(2) the amount of expenditures that may be made by, in support of, or in opposition to such candidates.

`Section 3. Congress shall have power to implement and enforce this article by appropriate legislation.'.

**Udall (NM) Amendment Proposal, S.J. Res. 19**

**`**Section 1. To advance the fundamental principle of political equality for all, and to protect the integrity of the legislative and electoral processes, Congress shall have power to regulate the raising and spending of money and in-kind equivalents with respect to Federal elections, including through setting limits on--

`(1) the amount of contributions to candidates for nomination for election to, or for election to, Federal office; and

`(2) the amount of funds that may be spent by, in support of, or in opposition to such candidates.

`Section 2. To advance the fundamental principle of political equality for all, and to protect the integrity of the legislative and electoral processes, each State shall have power to regulate the raising and spending of money and in-kind equivalents with respect to State elections, including through setting limits on--

`(1) the amount of contributions to candidates for nomination for election to, or for election to, State office; and

`(2) the amount of funds that may be spent by, in support of, or in opposition to such candidates.

`Section 3. Nothing in this article shall be construed to grant Congress the power to abridge the freedom of the press.

`Section 4. Congress and the States shall have power to implement and enforce this article by appropriate legislation.'.

**McGovern Amendment Proposal, H. J. Res. 21 and Tester Amendment Proposal, S.J. Res. 18**

`Section 1. We the people who ordain and establish this Constitution intend the rights protected by this Constitution to be the rights of natural persons.

`Section 2. The words people, person, or citizen as used in this Constitution do not include corporations, limited liability companies or other corporate entities established by the laws of any State, the United States, or any foreign state, and such corporate entities are subject to such regulation as the people, through their elected State and Federal representatives, deem reasonable and are otherwise consistent with the powers of Congress and the States under this Constitution.

`Section 3. Nothing contained herein shall be construed to limit the people's rights of freedom of speech, freedom of the press, free exercise of religion, freedom of association and all such other rights of the people, which rights are unalienable.'.

**Edwards Amendment Proposal**

`Section 1. Nothing in this Constitution shall prohibit Congress and the States from imposing content-neutral regulations and restrictions on the expenditure of funds for political activity by any corporation, limited liability company, or other corporate entity, including but not limited to contributions in support of, or in opposition to, a candidate for public office.

`Section 2. Nothing contained in this Article shall be construed to abridge the freedom of the press.'.

### We the People Amendment, Rep. Richard Nolan (MN-8)

`Section 1. The rights protected by the Constitution of the United States are the rights of natural persons only. Artificial entities, such as corporations, limited liability companies, and other entities, established by the laws of any State, the United States, or any foreign state shall have no rights under this Constitution and are subject to regulation by the People, through Federal, State, or local law. The privileges of artificial entities shall be determined by the People, through Federal, State, or local law, and shall not be construed to be inherent or inalienable.

`Section 2. Federal, State and local government shall regulate, limit, or prohibit contributions and expenditures, including a candidate's own contributions and expenditures, for the purpose of influencing in any way the election of any candidate for public office or any ballot measure. Federal, State and local government shall require that any permissible contributions and expenditures be publicly disclosed. The judiciary shall not construe the spending of money to influence elections to be speech under the First Amendment.

`Section 3. Nothing contained in this amendment shall be construed to abridge the freedom of the press.'.

**Schiff Amendment**

`Nothing in this Constitution shall be construed to forbid Congress or the States from imposing reasonable content-neutral limitations on private campaign contributions or independent election expenditures, or from enacting systems of public campaign financing, including those designed to restrict the influence of private wealth by offsetting campaign spending or independent expenditures with increased public funding.'.

**Schrader Amendment Proposal**

`Section 1. The Congress shall have power to prohibit, limit, and otherwise regulate the contribution of funds or donation of in-kind equivalents to candidates standing for election to a Federal office in the United States and to prohibit, limit, and otherwise regulate the expenditure of funds or donation of in-kind equivalents used to support or purchase media advertisements intended to influence the outcome of an election for Federal office in the United States.

`Whenever Congress should exercise such power, it must apply equally and uniformly to all individual persons recognized as citizens of the United States.

`Whenever Congress should exercise such power on associations of citizens of the United States, it must apply equally and uniformly to all associations of citizens of the United States.

`Section 2. Each of the several States shall have power to prohibit, limit, and otherwise regulate the contribution of funds or donation of in-kind equivalents to candidates standing for election to public office in the State and to prohibit, limit, and otherwise regulate expenditure of funds or donation of in-kind equivalents used to support or purchase media advertisements intended to influence the outcome of an election for public office or plebiscite in the State.

`Whenever a State should exercise such power, it must apply equally and uniformly to all individual persons recognized as citizens of the State.

`Whenever a State should exercise such power on associations of citizens of the State, it must apply equally and uniformly to all associations of citizens of the State.

`Section 3. A person who is not a citizen of the United States, including an association of persons who are not citizens of the United States, a foreign government, or any person acting as an agent thereof, may not contribute funds or donate in-kind equivalents to candidates standing for election to public office in the United States or otherwise expend funds or donate in-kind equivalents in a manner intended to influence the outcome of an election for public office or plebiscite in the United States.

`Section 4. The powers provided by this article are limited to the content neutral regulation of political contributions and political expenditures.

`Section 5. Congress shall have the power to enforce this article by appropriate legislation.'.