

MOVE TO AMEND

Side-by-Side Comparison: Move to Amend's *We The People Amendment*, (HJR 48) and the *Democracy for All Amendment* (HJR 1)

The comparisons contain all the language of each proposed amendment. Underlining does not appear in the originals but has been added for emphasis. Italics indicate differences between the two proposed amendments.

MTA's We The People Amendment HJR 48 Lead: Rep. Jayapal (Dem., WA) Introduced 4/5/21	Democracy for All Amendment HJR 1. Lead: Rep. Deutch (Dem. FL) Introduced 1/4/2021
<p><u>Section 1</u> "The rights protected by the Constitution of the United States are the rights of <u>natural persons</u> only."</p> <p>"<u>Artificial entities</u> established by the laws of any State, the United States, or any foreign state shall have <u>no rights</u> under this Constitution and are subject to <u>regulation</u> by the People, through Federal, State, or local law."</p> <p>"The <u>privileges</u> of artificial entities shall be determined by the People, through Federal, State, or local law, and shall not be construed to be <u>inherent or inalienable</u>."</p>	<p><i>No equivalent provision.</i></p> <p><i>No equivalent provision. Corporations and other artificial entities would retain all their existing constitutional rights and others if granted by the Supreme Court.</i></p> <p><i>No equivalent provision. Corporate "rights" would continue to preempt local, state and federal laws and regulations passed by legislators or enacted by citizen initiatives.</i></p>
<p><u>Section 2</u> (Statement of Intent:) "... to ensure that all citizens, regardless of their economic status, have access to the political process, and that no person gains, as a result of their money, substantially more access or ability to influence in any way the election of any candidate for public office or any ballot measure."</p>	<p><u>Section 1</u> (Statement of Intent:) "To advance democratic self-government and political equality, and to protect the integrity of government and the electoral process..."</p> <ul style="list-style-type: none"><i>• This wording does not "ensure that all citizens, regardless of their economic status, have access to the political process.</i><i>• This wording does not prohibit a person from gaining, "as a result of their money, substantially more access or ability to influence in any way" elections for candidates for public office or any ballot measure.</i><i>• This does not include ballot measures.</i>

"Federal, State, and local government shall regulate, limit, or prohibit contributions and expenditures, including a candidate's own contributions and expenditures..."

"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 in this amendment shall be construed to abridge freedom of the press."

Section 1

"...Congress and the States may regulate and set reasonable limits on the raising and spending of money by candidates and others to influence elections."

- *This language is not mandatory. "Shall" is mandatory. "May" is optional.*
- *It would allow the courts to decide what is "reasonable," giving courts even greater power.*
- *This language does not expressly give local government the power to "regulate, limit, or prohibit... a candidate's own contributions and expenditures."*

Section 2:

"Congress and the States shall have the power to implement and enforce this article by appropriate legislation, and may distinguish between natural persons and corporations or other artificial entities created by law, including by prohibiting such entities from spending money to influence elections."

- *Congress and the States are not required to implement and enforce the amendment.*
- *Congress and the States are not required to distinguish between natural persons and corporations and other artificial entities.*
- *Local government is not empowered to implement and enforce the amendment if the Federal and State government fail to do so.*

No equivalent provision. "Dark Money" (political spending by organization that don't have to disclose their donors) will continue to flow to unknown candidates and ballot measures.

No equivalent provision. The Supreme Court would be free to re-define "speech" to further serve the interests of corporate entities.

Section 3

Includes equivalent wording.