

Initiative Petition for a Law Relative to Establishing a Citizens Commission Concerning a Constitutional Amendment to Secure Government of the People.

Be it enacted by the People, and by their authority:

Section 1. Policy and Purpose

- a. This Act establishes a non-partisan Citizens Commission to advance the policy of Massachusetts in favor of amending the Constitution of the United States (i) to affirm that artificial entities do not possess the inalienable Constitutional rights of the People, and (ii) in order to eliminate the undue influence of concentrated money on elections and on governmental policy, campaign contributions and spending may be regulated and limited.
- b. It is the intent of this Act that the proposed federal constitutional amendment or amendments that are the subject matter of this Act shall be drafted and construed so as to protect the integrity and fairness of elections and government; prevent corruption; secure the right of all Americans to be represented and to participate in self-government as equal citizens; protect the freedom of speech, of the press and other rights of all Americans over the privileges of artificial entities; and ensure the constitutionality of sound regulation and operation of corporations and other economic entities by the people.
- c. To further this intent and advance the constitutional amendment(s) and the policies described herein, an independent, non-partisan Citizens Commission is hereby established for the purpose of reporting and making such recommendations as may be of assistance in drafting, promoting, proposing and ratifying such constitutional amendment(s).
- d. This Act shall be known as the Citizens Commission Concerning a Constitutional Amendment for Government of the People Act.

Section 2. Establishment of Citizens Commission Concerning a Constitutional Amendment for Government of the People

- a) This Act establishes a Citizens Commission Concerning a Constitutional Amendment for Government of the People to advance the policies of the Commonwealth of Massachusetts, (1) that inalienable Constitutional rights are the rights of individual living human beings and not of artificial entities or aggregations of people, and (2) as set forth in a Resolution passed by the General Court of Massachusetts in 2012, which resolved that “the Commonwealth of Massachusetts hereby calls upon the United States Congress to pass and send to the states for ratification a constitutional amendment to restore the First Amendment and fair elections to the people” based on the following:

- i) “Whereas, the First Amendment to the United States Constitution was designed to protect the free speech rights of people, not corporations;
 - ii) Whereas, for the past three decades, a divided United States Supreme Court has transformed the First Amendment into a powerful tool for corporations seeking to evade and invalidate democratically-enacted reforms;
 - iii) Whereas, this corporate takeover of the First Amendment has reached its extreme conclusion in the United States Supreme Court’s recent ruling in *Citizens United v. FEC*;
 - iv) Whereas, the United States Supreme Court’s ruling in *Citizens United v. FEC* overturned longstanding precedent prohibiting corporations from spending their general treasury funds in our elections;
 - v) Whereas, the United States Supreme Court’s ruling in *Citizens United v. FEC* will now unleash a torrent of corporate money in our political process unmatched by any campaign expenditure totals in United States history;
 - vi) Whereas, the United States Supreme Court’s ruling in *Citizens United v. FEC* presents a serious and direct threat to our democracy;
 - vii) Whereas, the people of the United States have previously used the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and self-government.”
- b) The People find and declare that the establishment of a non-partisan Citizens Commission as provided herein will ensure prudent consideration of such a constitutional amendment by the Massachusetts Congressional delegation and by the citizens and the General Court of Massachusetts during the ratification process to follow Congressional approval.
- c) The Citizens Commission shall research, take testimony, report, and make such recommendations as may be of assistance in drafting, promoting, proposing, and ratifying such a constitutional amendment.

Section 3. Composition, Appointments, and Deliberative Process

- a) The Citizens Commission shall be comprised of 15 United States citizens who are residents of Massachusetts, and shall be appointed as follows:
 - i) The Governor shall appoint 3 members;
 - ii) The Secretary of the Commonwealth shall appoint 3 members;
 - iii) The Attorney General shall appoint 3 members;
 - iv) The Speaker of the House shall appoint 3 members; and
 - v) The President of the Senate shall appoint 3 members.
- b) No person shall be appointed to the Citizens Commission who has not publicly applied for such appointment, which applications the Governor shall cause to be posted on a

page established for the public knowledge and oversight of the appointment and operation of the Citizens Commission on the official website of the Commonwealth of Massachusetts.

- c) An application by any citizen who seeks to serve on this Commission shall state:
 - i) The intent of the applicant to comply with and advance the policy established by this Act;
 - ii) The applicant's qualifications and interest in serving on the Citizens Commission;
 - iii) The political party affiliation, if any, of the applicant over the previous 5 years;
 - iv) The city or town in which the applicant resides;
 - v) The employment of the applicant, if employed.
- d) All applications for service on the Citizens Commission shall be submitted within 60 days of the posting of the appointment opportunity on the official website of the Commonwealth of Massachusetts, which posting the Governor shall cause to be made within 30 days of effective date of this Act.
- e) All appointments to the Citizens Commission shall be made no sooner than 90 days and no later than 120 days after the effective date of this Act.
- f) In making appointments to the Commission, the Governor, Secretary of State, Attorney General, President of the Senate and Speaker of the House of Representatives shall have due regard for the non-partisan nature of the Citizens Commission, and shall seek to ensure that the Citizens Commission reflect a range of geographic, political, and demographic backgrounds.
- g) Appointees to the Citizens Commission shall serve without compensation.
- h) Members of the Citizens Commission shall elect a chair or co-chairs, in the manner as the members of the Commission may decide by majority vote.
- i) The Citizens Commission shall meet on a regular basis to gather evidence, testimony, and advice in the manner that the members of the Commission determine is most conducive to achieving the objectives of this Act, provided however, that the Citizen Commission proceedings and activities shall be subject to the Open Meeting Law and the Public Records Law, and that all residents of Massachusetts have a reasonable opportunity to offer their views and ideas related to the policies herein to the Commission.

Section 4. Report and Recommendations

- a) The Citizens Commission shall issue a Report of Findings and Recommendations, which shall include the following:

- i) The nature and impact of political and election spending in Massachusetts;
 - ii) The limitations, if any, on the legal ability of the Commonwealth and its citizens to reasonably regulate corporations and other entities due to the Supreme Court's conclusion that corporations may assert Constitutional rights of human beings;
 - iii) Recommendations as to the scope and language of one or more constitutional amendment resolutions that would address the problem and policies described herein, and that would be prudent for the Commonwealth of Massachusetts to ratify under Article V of the United States Constitution;
 - iv) An analysis of the constitutional amendments that have been introduced in Congress to date in response to the Supreme Court's decision in *Citizens United v. FEC*, an assessment of their alignment with the policies and objectives set forth in this Act; and
 - v) Recommendations for actions to be taken by Congress, the General Court of Massachusetts, the Governor, Secretary of the Commonwealth, the Attorney General and other public officials and bodies, and citizens of the Commonwealth of Massachusetts to further promotion, proposal, and ratification of the recommended constitutional amendment or amendments.
- b) The Citizens Commission shall deliver its first Report and Recommendations to the President of the Senate, the Speaker of the House of Representatives, the Governor, the Secretary of the Commonwealth, the Attorney General and the citizens of Massachusetts on or before December 31, 2019.
- c) Within 5 days of receipt, the Secretary of the Commonwealth is instructed to deliver the Report and Recommendations of the Citizens Commission to all current members of the General Court of Massachusetts, all current members of the United States Congress, and the President of the United States.
- d) The Secretary of the Commonwealth is directed to immediately deliver copies of this law, when enacted, to the following persons: The Governor, the Attorney General, all current members of the General Court of Massachusetts, all current members of the United States Congress, and the President of the United States.
- e) With the Act, the People hereby urge that Congress, the General Court of Massachusetts, the Governor, Secretary of the Commonwealth, the Attorney General and other public officials and bodies, and citizens of the Commonwealth of Massachusetts carefully review the Citizen Commission's findings and take all constitutional and lawful actions to further the proposal and ratification of the recommended constitutional amendment or amendments.

