



END CORPORATE RULE. LEGALIZE DEMOCRACY.

# MOVE TO AMEND

## Side-by-Side Comparison: Move to Amend's *We The People Amendment*, (HJR 54) and the *Democracy for All Amendment* (HJR 13)

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 54 Lead: Rep. Jayapal (Dem., WA) Introduced 04/10/2023

#### Section 1

"The rights and privileges protected and extended by the Constitution of the United States are the rights of natural persons only."

An artificial entity...established by the laws of any State, the United States, or any foreign state shall have no rights under the Constitution and are subject to regulation by the People, through Federal, State, or local law."

"The privileges of an artificial entity 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, 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 that person's money, substantially more access or ability to influence in any way the election of any candidate for public office or any ballot measure."

### Democracy for All Amendment HJR 13. Lead: Rep. Schiff (Dem., CA) Introduced 1/9/2023

*No equivalent provision.*

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*Corporations and other artificial entities would retain all their existing constitutional rights and others if granted by the Supreme Court.*

*No equivalent provision.*

*Corporate "rights" would continue to preempt local, state and federal laws and regulations passed by legislators or enacted by citizen initiatives.*

#### Section 1

"... Congress and the States may regulate and impose reasonable viewpoint-neutral limitations 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."*

<p>“Federal, State, and local government <u>shall require</u> that any permissible contributions and expenditures be <u>publicly disclosed</u>.</p> <p>“The judiciary shall not construe the spending of money to influence elections to be speech under the First Amendment.”</p> <p><u>Section 3</u></p> <p>“This amendment shall not be construed to abridge the right secured by the Constitution of the United States of the freedom of the press.”</p>	<p><i>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.</i></p> <p><i>The Supreme Court would be free to re-define "speech" to further serve the interests of corporate entities and/or frustrate other sections of this amendment.</i></p> <p><u>Section 2</u></p> <p>“...Congress and the States may regulate and enact systems of public campaign financing, including those designed to restrict the influence of private wealth by offsetting the raising and spending of money by candidates and others to influence elections with increased public funding.”</p> <ul style="list-style-type: none"> <li>• <i>This language is not mandatory. Public financing is as much possible under HJR54 as HJR13</i></li> </ul> <p><u>Section 3</u></p> <p>“Congress and the States shall have the <u>power</u> to implement and enforce this article by appropriate legislation, and <u>may</u> distinguish between natural persons and corporations or other artificial entities created by law, including by prohibiting such entities from spending money to influence elections.”</p> <ul style="list-style-type: none"> <li>• <i>Congress and the States are not required to distinguish between natural persons and corporations and other artificial entities.</i></li> <li>• <i>Local government is not empowered to implement and enforce the amendment if the Federal and State government fail to do so.</i></li> </ul> <p><u>Section 4</u></p> <p><i>Includes equivalent wording.</i></p>
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