Iowa Legislative Resolution Requesting a Constitutional Convention to Address an Amendment to the US Constitution to Overturn Citizens United

A 2010 United States Supreme Court decision, Citizens United versus the Federal Election Commission, allowed corporations to donate unlimited sums of money to political campaigns. Through a series of United States Supreme Court cases over the last century, corporations are considered to be persons and have been given the same rights as natural persons that resulted in the Citizens United decision.

In order to return political and electoral power to natural persons, an amendment to the United States Constitution is being proposed. The amendment proposes that artificial entities such as corporations do not enjoy constitutional rights and that money is not considered free speech.

Amending the Constitution requires that two-thirds of the state legislatures pass a resolution asking for a constitutional convention in order to consider an amendment to the United States Constitution; in this case, that corporations are not people and money is not speech.

The Iowa Chapter supports the Iowa Legislature adopting a joint resolution calling for a constitutional convention to address an amendment to the US Constitution to allow Congress and the states to prohibit or otherwise regulate the expenditure of funds for political speech by any corporation, any limited liability company or any other corporate entity.

The Iowa Chapter of the Sierra Club requests that you support a Resolution requesting a Constitutional Convention to address an Amendment to the US Constitution to Overturn Citizens United.¹

¹ There are two ways to propose an amendment to the United States Constitution. One way to amend the US Constitution is for two-thirds of the states to pass a resolution asking for a constitutional convention in order to propose an amendment to the United States Constitution. Congress must then pass a resolution approved by a two-thirds majority of each Chamber to establish the convention. The convention would have to approve the proposed amendment. Then the amendment would have to be ratified by the legislatures of three-fourths of the states.

The other way to amend the Constitution is initiated by Congress. Both the United States Senate and the House must pass a joint resolution that proposes a constitutional amendment, passing both Chambers with a two-thirds majority. The president does not get to sign off on the resolution. The proposed amendment must then be ratified by three-fourths of the states.
Proposed Iowa Resolution for a Constitutional Convention

A Joint Resolution requesting the call of a constitutional convention in order to propose an amendment to the Constitution of the United States to allow Congress and the states to prohibit or otherwise regulate the expenditure of funds for political speech by any corporation, limited liability company, or other corporate entity.

Calling upon the United States Congress to propose a constitutional amendment addressing the Supreme Court decision in *Citizens United v. Federal Elections Commission*.

Whereas, In 2010, the United States Supreme Court issued its ruling in *Citizens United v. Federal Election Commission* that enabled corporations, limited liability companies, or other corporate entity to spend unlimited amounts of money in support of or in opposition to candidates for election; and

Whereas, the people of Iowa and all other states should have the power to limit by law the extent to which money can be spent in their political systems; therefore, be it

RESOLVED by the Iowa General Assembly:

That the Iowa General Assembly hereby calls upon the United States Congress to propose a constitutional amendment addressing the Supreme Court decision in *Citizens United v. Federal Elections Commission*; and, be it

FURTHER RESOLVED, That the Iowa General Assembly supports an amendment to the United States Constitution to establish that corporations, limited liability companies, or other corporate entity are not entitled to the same rights and protections as natural persons under the Constitution; and, be it

FURTHER RESOLVED, That such an amendment should assure the power of the federal, state and local governments to limit, regulate and require disclosure of sources of all money spent in the course of political elections; and, be it

FURTHER RESOLVED, That the Iowa General Assembly requests that the Iowa Congressional Delegation support such an amendment, work diligently towards its passage and vote at all stages to advance such legislation in the Congress; and, be it

FURTHER RESOLVED, That the Clerk is hereby directed to forward a copy of this resolution to the Vice President of the United States and the President *pro Tempore* of the United States Senate, to the Speaker of the House of Representatives, to the majority and minority leaders of both houses of Congress and to each United States Senator and Member of the House of Representatives from Iowa.

EXPLANATION
This joint resolution constitutes a petition requesting the United States Congress to call a constitutional convention in order to propose an amendment to the Constitution of the United States and submit it to the states to allow Congress and the states to prohibit or regulate the expenditure of funds for political speech by any corporation, limited liability company, or other corporate entity.
Text of the Proposed Amendment to the United States Constitution

Section 1. [Artificial Entities Such as Corporations Do Not Have Constitutional Rights]
The rights protected by the Constitution of the United States are the rights of natural persons only.

Artificial 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. [Money is Not Free Speech]
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 their money, substantially more access or ability to influence 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.