

Saving American Democracy Amendment

introduced by
Congressman Ted Deutch (FL-19) and Senator Bernard Sanders (VT)

Frequently Asked Questions:

Why shouldn't corporations have the ability to influence our elections?

Our Constitution was written by the people, for the people. Corporations are entities formed in accordance with state, local, and federal laws that were all written by the people. These for-profit enterprises are established for business purposes and their rights and obligations only extend to their business purposes.

The Supreme Court's Citizens United decision gave corporations the ability to drown out the will of the people by using the profits in their general treasury funds to influence elections. Now, corporations can use millions of dollars to defeat candidates that may threaten their bottom line. Everyday Americans simply cannot compete with the virtually limitless resources of corporations.

There are already Constitutional amendments out there. Why did you introduce this one?

We applaud the efforts of some of our colleagues in Congress who have introduced measures that aim to overturn Citizens United. However, passing a Constitutional amendment is no easy feat, which is why we believe we need a comprehensive amendment that truly ends corporate control of our elections.

Simply granting Congress the authority to regulate corporate spending in elections does not mean that Congress ever will act. Declaring that corporations are not people will do nothing to stop business associations, formed to promote the business interests of their member corporations, from pouring money into misleading attack ads against candidates that threaten their profits.

Citizens United undermined the very concept of campaign finance law. It declared caps on corporate spending in elections to be unconstitutional and as a result, the caps we already have in place, even for individual contributions to candidates, are also under threat. We also have corporations anonymously using nonprofit groups as fronts for their agendas. The Saving American Democracy Amendment restores to Congress the authority to write campaign finance laws that regulate and disclose all contributions and expenditures by all individuals and all types of organizations in our elections.

What is wrong with the Citizens United decision?

The Supreme Court overturned a century of precedent by ruling in Citizens United that corporations have a constitutional right to spend unlimited amounts of cash to influence elections.

Before Citizens United, corporations had to abide by the ruling in *Austin v. Michigan Chamber of Commerce* that limited their participation in elections to political action committees. PACS are funded by voluntary contributions from the employees of a corporation, as opposed to the general treasury fund. The Supreme Court also determined that limitations on corporate spending in elections were permissible in *McConnell v. FEC*, a decision that upheld portions of the McCain-Feingold reforms that aimed to reign in corporate electioneering.

Because of Citizens United, corporations are now allowed to tap into their profits to spend money advocating for or against candidates of their choosing. Even worse, they can do it anonymously. By

Saving American Democracy Amendment

introduced by

Congressman Ted Deutch (FL-19) and Senator Bernard Sanders (VT)

undermining the very concept of campaign finance laws, like the ones limiting individual contributions to candidates, the Citizens United decision even threatens a 1907 law passed by Congress prohibiting corporations from directly contributing to candidates. If we don't take action, before we know it, the Supreme Court could rule that corporations can directly contribute to candidates for public office.

Is a Constitutional amendment really the best way to address unlimited corporate spending in elections?

Even if Congress had the political will to stand up to special interests and pass limitations on corporate spending in elections, such an effort would be unconstitutional as a result of the Supreme Court's decision in Citizens United. The majority opinion ruled that corporations have the same First Amendment rights as the American people and can spend unlimited amounts of their general treasury funds in elections. It is too late for Congress to place limits on corporate campaigning. The Framers of our Constitution gave us the power to amend the Constitution and it is imperative that we use it now.

Is your amendment just a giveaway to unions?

No. Labor unions are legally recognized as representatives of workers, who are natural persons with constitutional rights that deserve protections. While the Saving American Democracy Amendment does not prevent unions from using the dues and donations of their workers, it will subject their political activities to laws limiting spending and expenditures, just as it does other private entities and all individuals.

How will people and various types of entities be impacted by the Saving American Democracy Amendment?

Natural Persons: The Saving American Democracy Amendment makes clear that the rights enshrined in our Constitution are those of natural persons. However, the Saving American Democracy Amendment reaffirms the ability of Congress and the States to enact campaign finance laws that limit the amount of money individuals can spend to influence elections and requires political action committees to disclose their donations and operate with transparency.

Corporations: Corporations are not people with constitutional rights. They are for-profit entities established for business purposes. The Saving American Democracy amendment bans for-profit entities and limited liability companies from spending money in elections, whether it be through direct expenditures or to third party groups that aim to influence elections.

501(c)(6)'s: 501(c)6's are associations formed to promote the business interests of their membership corporations, which are not people. Therefore, these entities are also banned from spending money in elections, and they must make public any contributions to third party groups.

Unions: Labor unions are legally recognized as representatives of workers, who are natural persons with constitutional rights that deserve protection. While the Saving American Democracy Amendment does not prevent unions from using dues and donations from the workers they represent on electoral advocacy, this amendment will subject them to laws limiting spending and expenditures, just as it does other private entities and individuals.

Saving American Democracy Amendment

introduced by

Congressman Ted Deutch (FL-19) and Senator Bernard Sanders (VT)

501(c)3 and 501(c)4 Groups: Nonprofit entities, like 501(c)(3) charities, churches, and hospitals, are not impacted by the Saving American Democracy Amendment. 501(c)(4) organizations, which are nonprofits established to promote social welfare, are permitted to participate in elections so long as it is not the organization's primary purpose. While the American Red Cross, the Sierra Club, and most nonprofit organizations are entirely legitimate, many are props set up by corporations and their CEOs for the purpose of influencing elections. That is why the amendment enables Congress to regulate, limit, and require disclosure of these organizations' electoral expenditures. The Saving American Democracy Amendment gives us the means to effectively police corporations and a few billionaires from using nonprofits as fronts for their political agendas.

How does your amendment address the problem of corporations and very wealthy Americans from anonymously funding front groups to defeat candidates?

Our amendment bans corporations from using their profits in any election or ballot initiative before the people. By requiring that Congress include disclosure as part of our campaign finance laws, corporations that attempt to funnel money into front groups to influence elections will therefore face prosecution for violating the 28th amendment of the Constitution. The amendment also reestablishes the authority undermined by Citizens United for the States and for Congress to set limits and require disclosure of all individual contributions.