

Frequently Asked Questions

Fast Answers to Common Questions About Amend 2012

The heart of this campaign lies with you, the American voter, instructing your member of Congress to pass a constitutional amendment. That's why we hope you will help put this issue on the ballot.

Why Do We Need a Constitutional Amendment?

The Supreme Court's 5-4 decision in *Citizens United* unleashed a torrent of money into our campaigns. For the first time in more than a century, corporations are now allowed to dip into their shareholders' funds and spend those funds to directly influence federal elections in ways shareholders may not agree with.

This newfound power gives corporations even more sway over public policy than they already have with their armies of hired lobbyists and PAC contributions.

Our democracy is supposed to be of, by and for the people—not of, bought and paid for by special interests.

The Supreme Court wrongly decided in *Citizens United* that corporations have a constitutional right to spend money influencing the outcome of our elections. Although we give corporations certain privileges under law (like limited liability), never before did a Court find a constitutional right for corporations to bankroll electoral campaigns.

While it is possible that a change of Court personnel could lead to a future Court reversing the *Citizens United* ruling, The best way to reverse the Court's holding is to amend the Constitution, just as the people have done 27 times before. An amendment would be a permanent solution, rather than having the Court change our constitution every twenty years as the justices change.

What Should the Constitutional Amendment Establish?

This amendment should establish two principles: (1) unlimited spending on politics is not free speech, and (2) corporations do not have the same constitutional rights as real people.

Before *Citizens United*, it had always been common sense that corporations are artificial entities of the state. We agree with Justice John Paul Stevens in his dissent to *Citizens United* when he wrote that corporations **"are not themselves members of 'We the People' by whom and for whom our Constitution was established."**

Corporations do not have a constitutional right to vote, and they should not have a constitutional right to spend money influencing our elections.

How can we pass a Constitutional Amendment?

Although there are two procedures to pass an amendment, only one has been used in practice. It requires two steps. First, each chamber of Congress must pass the amendment by a two-thirds supermajority. Second, three-quarters of the states (38 states) must then ratify the amendment. Completing both steps amends the Constitution.

The other method, which has never been used, is for two-thirds of the states to call for a constitutional convention which would then propose amendments subject to ratification by three-quarters of the states.

the people's campaign to reclaim democracy

What are Voter Instructions, and What Should the Instructions Say?

The clearest and quickest path to a constitutional amendment is for voters to instruct legislators to pass such an amendment.

It seems a bit obvious—aren't voters always instructing their representatives? Well, yes and no. Voters choose whom to send to Congress, but Congress itself decides which laws to create.

Using voter instructions, though, “we the people” can tell “them the Congress” that we want a constitutional amendment to reverse Citizens United and confirm that corporations are not people (because only people are people), and money is property (not speech) .

Using voter instructions is not a new-fangled idea. In fact, such instructions were the foundation for a few not-so-obscure documents: the Articles of Confederation, the U.S. Constitution, and the Bill of Rights. Instructions are not legally binding but they have historically carried great force.

How Can Citizens Put Voter Instructions on the Ballot?

In 24 states, voters can gather signatures and then use their states' initiative processes to put Voter Instructions on the ballot that call on Congress to pass a constitutional amendment overturning Citizens United.

In every state citizens can petition their state legislators to refer advisory questions to the ballot instructing Congress to pass a constitutional amendment overturning Citizens United.

Either way, voters are using the power of the ballot box to publicly demonstrate the breadth and scope of support for a constitutional amendment that takes back our democracy and puts it in the hands of the people, not the special interests.

Are You Working With Other Organizations to Reverse Citizens United?

Many groups of citizens are admirably working to enact a Constitutional amendment overturning Citizens United. While this process will take time, and the language of the Amendment itself will be crafted with utmost care, it is imperative that Congress hears from you, the citizens, about these core, common sense principles: money is not speech, and corporations are not people. We can speak in a unified voice at the ballot through voter instructions.

Please join us.

