



## Action Sheet May 2018

**Summary:** This month, we're writing letters to our U.S. Senators urging them to co-sponsor S.J. Res. 8, introduced by Sens. Tom Udall (D-NM) and Michael Bennet (D-CO). While we want our elected officials to co-sponsor this and related resolutions in the House like the Democracy For All Amendment (H.J. Res.31) and the We the People Amendment (H.J. Res. 48), our main request is that our elected officials partner with us to bring Republicans on to these amendments as there is only one Republican co-sponsor on any of these resolutions focused on a constitutional amendment to restore free and fair elections.

### **Laser Talk:**

Eight out of 10 Americans agree that our political system is out of control. Billions of dollars are pouring into campaigns from corporations, unions and the wealthy.

A 28<sup>th</sup> amendment would overturn the 2010 Citizens United Supreme Court decision which gave human constitutional rights to corporations and struck down laws that provided limits on campaign spending with increasingly frightening consequences. Here are a few examples.

When the fossil fuel industry and other corporate polluters make large campaign contributions, action on climate change and protecting our land, air, and water is thwarted.

When Wall Street firms buy politicians and financial corruption brings our economy to the brink, too many citizens lose their jobs, homes, and life savings and Wall Street goes unpunished.

Americans see the urgency of passing a 28<sup>th</sup> Amendment to the U.S. Constitution, which would allow us to place reasonable limits on campaign contributions and reserve human liberties for people, not corporations.

It's time to write our U.S. Senators urging them to co-sponsor S.J. Res. 8, the Democracy for All Amendment, and ask that they partner with us in bringing Republicans on board.

### **More Background:**

The Democracy for All Amendment would reverse Supreme Court decisions like *Citizens United v. FEC* and *Buckley v. Valeo* by enshrining in the Constitution the right of the American people to enact state and federal laws that regulate spending in public elections.

In 2010, the Supreme Court's controversial ruling in *Citizens United v. FEC* held that corporations and other private entities - including 501(C) organizations that do not have to disclose their donors - have a First Amendment right to spend unlimited sums of money influencing the outcome of public elections. In his far-reaching opinion for the 5-4 majority, Justice Kennedy held that any election law that goes beyond preventing quid pro quo, bribery-style corruption between candidates and donors risks violating the First Amendment. The result of the *Citizens United* decision has been elections dominated by record-breaking spending by

Super PACs and unaccountable outside groups funded by corporations and a tiny, extraordinarily wealthy sliver of the American population. In 2012, the first presidential election cycle after Citizens United, 3,318 donors, amounting to less than .01 percent of the U.S. population, accounted for 93 percent of Super PAC funding. Fueled by the Supreme Court decision, the 2014 midterm election cycle was the most expensive in history. The Center for Responsive Politics estimates that each of the presidential election cycles since broke spending records coming in at \$6.3 billion in 2012 and \$6.9 billion in 2016. In 2014, the Supreme Court awarded America's wealthiest donors even more influence in our elections with its 5-4 ruling in *McCutcheon v. FEC*, which struck down caps limiting how much money a single donor can contribute in federal elections. As a result of this ruling, one individual can give up to \$3.6 million to candidates and various fundraising committees per federal election cycle. In addition, Chief Justice John Roberts' opinion for the majority in *McCutcheon* went as far as to argue that the influence awarded to donors is not a corrupting quid pro quo transaction, but a First Amendment right.

**Text of S.J. Res. 8 -- Democracy for All Amendment:**

Section I. To advance democratic self-government and political equality, and to protect the integrity of government and the electoral process, Congress and the States may regulate and set reasonable limits on the raising and spending of money by candidates and others to influence elections.

Section II. Congress and the States shall have power to implement and enforce this article by appropriate legislation, and may distinguish between natural persons and corporations or other artificial entities created by law, including by prohibiting such entities from spending money to influence elections.

Section III. Nothing in this article shall be construed to grant Congress or the States the power to abridge the freedom of the press.

**Write a letter to your U.S. Senator**

1. Introduce yourself: Provide personal information to root yourself in the community (I have taught math at our local high school for 10 years, I am active in my local church, etc.) and briefly share why this issue matters to you.
2. Make the 'ask': a) Urge your U.S. Senator to co-sponsor S.J. Res. 8, the Democracy for All Amendment. If they are already a co-sponsor thank them. [Google: "S.J. Res. 8 co-sponsors" for a list of cosponsors.] b) Ask your Senator for a meeting to discuss partnering with you to bring Republicans on this and related amendments.
3. Provide some background to support your argument: In your own words, share why it is important for Congress to enact the Democracy for All Amendment reserving human liberties for people, not corporations and calling for reasonable limits on campaign contributions. Visit the 'Laser Talk' and 'More Background' sections of this Action Sheet to support your argument.
4. Repeat the 'ask', say thank you, and request a response: Leave your address, phone number and email address so they can get back to you with their decision.

Sen. \_\_\_\_\_  
U.S. Senate  
Washington, DC 20510