

**Resolution No. 15-0644**

**A RESOLUTION SUPPORTING THE MOVE TO AMEND  
ORGANIZATION'S PROPOSED CONSTITUTIONAL AMENDMENT TO  
HELP MAKE ELECTIONS FAIR FOR ALL CITIZENS**

**WHEREAS**, Government of, by, and for the people has long been a cherished American value, and the First Amendment of the Constitution of the United States is intended to protect the free speech rights of people; and

**WHEREAS**, free and fair elections are essential to democracy and effective self-governance; and

**WHEREAS**, the Citizens United v. the Federal Election Commission Supreme Court decision that changed the legal limits on spending in the electoral process created a new and concerning playing field; and allows unlimited spending by individuals, corporations and other entities to influence elections, candidate selection, and policy decisions. The ruling may encourage elected officials to divert their attention from the peoples' business, in order to ensure competitive campaign funds for their own re-election; and

**WHEREAS**, the judicial interpretation that spending money in political campaigns is speech may be contrary to the notion of one person, one vote and allows those with the most money to have an unfair advantage in a political system that should be about ensuring that all citizens have equal access to the political process; and

**WHEREAS**, money is property, not speech; and

**WHEREAS**, people and municipalities across the nation are calling for an Amendment to the United States Constitution to address the issues raised in the Citizens United ruling, including corporate personhood and Money is not Speech.

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Windsor Heights State of Iowa, that we do hereby support the Move to Amend organization's goal to make elections fair for all its citizens by amending the Constitution; and that we encourage all residents to find ways to continue to champion the long-standing commitment of government of, by, and for the people.

Passed and Approved this 15th day of June, 2015

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Diana Willits, Mayor

Attest: \_\_\_\_\_  
Brett Klein, City Administrator

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# Move to Amend's Proposed 28th Amendment to the Constitution

# WE THE PEOPLE AMENDMENT



## ***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.

## Resolution We Are Presenting to the Iowa Legislature

Joint resolution urging the United States Congress to propose amendments to the United States Constitution for the states' consideration relating to contributions and expenditures intended to affect elections and relating to the rights of corporations.

*Whereas*, the U.S. Bill of Rights provides certain inalienable rights to natural persons, and

*Whereas*, corporations are not mentioned in the U.S. Constitution, and

*Whereas*, corporations are legal entities that governments create, and the rights they enjoy under the U.S. Constitution should be more narrowly defined than the rights that are afforded to natural persons, and

*Whereas*, the decision to regulate corporate financial campaign contributions is one that historically Congress and the states have been constitutionally allowed to address, and

*Whereas*, in 1907, Congress enacted the Tillman Act prohibiting corporate financial contributions to federal election campaigns for public office, and

*Whereas*, in 2010, the U.S. Supreme Court in *Citizens United v. Federal Election Commission*, 130 S.Ct. 876 (U.S. 2010), ruled that Congress and the states lacked the constitutional right to ban independent corporate expenditures to political campaigns for public office, and

*Whereas*, the U.S. Supreme Court in the *Citizens* decision relied on its previously issued opinion in the 1976 case *Buckley v. Valeo*, 424 U.S. 1 (U.S. 1976), in which it equated the spending of money for electing candidates to public office as speech, and

*Whereas*, the *Citizens* decision has allowed for the creation of super political action committees in election campaigns for public office that allow for unregulated campaign expenditures in unprecedented amounts, and

*Whereas*, as a result of the *Citizens* decision, Congress and the state legislatures were denied any legal authority to regulate independent corporate political expenditures, and

*Whereas*, a restoration of the guidelines established in the Bipartisan Campaign Reform Act of 2002 is imperative so that Congress and the state legislatures may exercise their historic authority to make their own decisions about whether to regulate corporate political expenditures, and

*Whereas*, this policy change will require that the U.S. Constitution be amended to authorize congressional or state regulation of individual and corporate financial participation in political campaigns, and

*Whereas*, U.S. Senator Tom Udall of New Mexico with 22 cosponsors has introduced Senate Joint Resolution 29, "proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections, "that would give the Congress and the states the authority to regulate the raising and spending of monies with respect to elections, *now therefore be it*

### ***Resolved by the Senate and House of Representatives:***

That the General Assembly expresses its disagreement with the holdings of the U. S. Supreme Court in *Buckley* and in *Citizens* that money is speech and urges Congress to adopt Senate Joint Resolution 29, *and be it further*

***Resolved:*** That the General Assembly urges Congress to propose a U.S. constitutional amendment for the state's consideration that provides that money is not speech and corporations are not persons under the U.S. Constitution and that also affirms the constitutional rights of natural persons, *and be it further*

***Resolved:*** That the General Assembly does not support an amendment to the U.S. Constitution that would abridge the constitutional rights of any person or organization including freedom of religion or freedom of the press, *and be it further*

***Resolved:*** That the secretary of State be directed to send a copy of this resolution to the Iowa Congressional Delegation.