



Nov 8, 2016 General Election Ballot Measure Summary Series

Measure: State of Washington Initiative 735 — Relates to amending the United States Constitution relative to corporate personhood, campaign contributions, and political speech

Ballot Title (what you will see on the ballot):

Initiative Measure No. 735 concerns a proposed amendment to the federal constitution.

This measure would urge the Washington state congressional delegation to propose a federal constitutional amendment that constitutional rights belong only to individuals, not corporations, and constitutionally-protected free speech excludes the spending of money.

Should this measure be enacted into law? Yes [] No []

(official – as filed with the Secretary of State's Office)

Summary:

The measure would urge the Washington state congressional delegation to propose a US constitutional amendment clarifying that federal constitutional rights related to free speech belong only to individual human beings, not corporations; that spending money is not considered free speech under the First Amendment; that governments have the right to regulate political contributions and expenditures to prevent excessive and unfair influence of elected officials due to the ability of corporations to make very large political campaign contributions; and that political monetary contributions and expenditures must be promptly disclosed to the public. The measure would urge the Washington state legislature to ratify such an amendment if forwarded by Congress.

Immediate Effects, if Passed: This is primarily a measure to show public support for amending the constitution to refine and clarify the concept of “corporate personhood”, a legal concept which allows corporations to be sued for wrongdoing, just like a real person, but also allows corporations an unlimited amount of contributions to political candidates under the first amendment right to free speech, as outlined by the recent Supreme Court ruling of *Citizens United v. Federal Election Commission*.

Fiscal Effects, if passed: There would be no primary fiscal effect, as the measure simply asks for action on the part of the Washington state Congressional delegation, and the state Legislature. A secondary fiscal effect could be created if any government agencies encountered expenses related to enforcing new campaign financial disclosure laws, but this cost would be very small relative to the overall Federal and state budgets.

Arguments for the measure:

The supporters of this measure want an amendment to the US Constitution in which corporations would be declared non-persons for the purposes of political speech, and in which a distinction would be made between free speech about political issues and candidates, and money contributed to political issues and candidates. The supporters advocate that unchecked money flowing into political campaigns from corporations can have an unfairly large influence on policy. Corporations are in a much better position than the average individual to make very large contributions to many politicians. This makes the politicians more beholden to for-profit corporations and organizations who have a stated goal to make money and not consider social justice or communitarian goals. Supporters state: “Initiative 735 will not limit freedom of speech or freedom of the press. It will keep corporations with a lot of money from having a louder voice than ‘We the People.’”

Arguments against the measure:

Those who oppose this measure fall into two groups:

1. Those who argue that I-735 is dangerous proposal to allow government censorship. They point out that the amendment discussed in I-735 would be the first Constitutional amendment since prohibition to take rights away. They say that silencing free speech is undemocratic, and that forbidding citizens from spending their money spreading their beliefs is totalitarian, not democratic.
2. Those who support the concept, but have concerns that the constitutional amendment proposed by this measure would not only limit corporate political donations and influence, but also would remove the opportunity for individuals or the government from suing corporations who have committed wrongdoing or harmed someone, as there would be no legal way for a corporation to be a party in a lawsuit.