

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

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SENATE BILL 354*

Short Title: "We the People" Act/Referendum. (Public)

Sponsors: Senators Van Duyn, McKissick, and Foushee (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 23, 2017

A BILL TO BE ENTITLED

1 AN ACT TO SUBMIT TO THE VOTERS OF NORTH CAROLINA A REFERENDUM
2 URGING CONGRESS TO PASS AN AMENDMENT TO THE CONSTITUTION OF
3 THE UNITED STATES DECLARING THAT CONSTITUTIONAL RIGHTS BELONG
4 ONLY TO INDIVIDUALS AND NOT TO CORPORATIONS OR OTHER ARTIFICIAL
5 ENTITIES AND THAT CONSTITUTIONALLY PROTECTED FREE SPEECH
6 EXCLUDES THE UNLIMITED SPENDING OF MONEY ON POLITICAL CAMPAIGN
7 CONTRIBUTIONS.
8

9 Whereas, Section 2 of Article I of the Constitution of North Carolina asserts that
10 "[a]ll political power is vested in and derived from the people; all government of right
11 originates from the people, is founded upon their will only, and is instituted solely for the good
12 of the whole"; and

13 Whereas, free and fair elections, as well as honest representation, are essential to
14 self-determination and self-governance as described in the Declaration of Independence and
15 established in the Constitution of the United States; and

16 Whereas, the American people have lost faith in the political process because their
17 voices are not heard nor their interests represented, and thus, an ever smaller percentage of
18 Americans is motivated to vote; and

19 Whereas, the Constitution of the United States makes no mention of corporations or
20 other artificial entities and there are no provisions extending rights to such entities; however,
21 through a series of decisions equating a "corporation" with a "person," the United States
22 Supreme Court has extended to corporations the constitutional rights and protections intended
23 for people only; and

24 Whereas, unlike human beings, corporations can exist in perpetuity and in many
25 countries at the same time, and, as a result, many large corporations, both foreign and domestic,
26 invest in campaigns to invalidate or bypass regulatory law intended to protect the public, and,
27 as such, corporate participation in the political process often conflicts with the public interest;
28 and

29 Whereas, money is property and not speech and nowhere in the Constitution of the
30 United States is money equated with speech; and

31 Whereas, because advertising is limited and costly, equating the spending of money
32 with free speech gives those with the most money the most speech; and

33 Whereas, whenever special interests, including very wealthy individuals, are able to
34 spend unlimited amounts of money on political speech, candidates and officeholders can be
35 corrupted and intimidated and the free speech of most citizens is drowned out and denied; and



1 Whereas, monopolizing public speech neither promotes nor protects free speech;

2 and

3 Whereas, anonymous contributions and spending for political gain promote
4 dishonesty and corruption, preventing voters from assessing the motives of the speaker; and

5 Whereas, the public must be able to hold funders of political speech accountable
6 when their messages prove false or misleading; and

7 Whereas, full and prompt disclosure of funding sources is essential to an informed
8 electorate, fair elections, and effective governance; and

9 Whereas, Article V of the Constitution of the United States empowers the people
10 and the states to use the amendment process to correct egregious decisions by the United States
11 Supreme Court that subvert our representative government; Now, therefore,

12 The General Assembly of North Carolina enacts:

13 **SECTION 1.** A referendum shall be submitted to the qualified voters of the State
14 of North Carolina at a statewide election to be held November 6, 2018, to determine whether
15 the people of North Carolina choose to urge the United States Congress to pass an amendment
16 to the Constitution of the United States declaring that constitutional rights belong only to
17 individuals and not to corporations or other artificial entities and that constitutionally protected
18 free speech excludes the unlimited spending of money on political campaign contributions. The
19 referendum shall be held under the laws then governing elections in the State. Ballots, voting
20 systems, or both may be used in accordance with Chapter 163 of the General Statutes. The
21 question to be used in the voting systems and ballots shall be:

22 " FOR AGAINST

23 Urging the United States Congress to amend the Constitution of the United States
24 declaring that constitutional rights belong only to individuals and not to corporations or other
25 artificial entities and that constitutionally protected free speech excludes the unlimited spending
26 of money on political campaign contributions."

27 **SECTION 2.** If a majority of votes cast on the question are in favor of the
28 referendum set out in Section 1 of this act, the State Board of Elections shall certify the
29 referendum to the Secretary of State. The Secretary of State shall enroll the referendum so
30 certified among the permanent records of that office and shall certify the results of the
31 referendum to the President of the United States, each member of the United States Congress,
32 the Governor of the State of North Carolina, and each member of the North Carolina General
33 Assembly.

34 **SECTION 3.** This act is effective when it becomes law.