

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL DRS45144-LU-43

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

Sponsors: Senators Van Duyn and Nickel (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

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

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

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

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

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

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

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

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

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

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



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

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

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

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

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** A referendum shall be submitted to the qualified voters of the State of
12 North Carolina at a statewide election to be held November 3, 2020, to determine whether the
13 people of North Carolina choose to urge the United States Congress to pass an amendment to the
14 Constitution of the United States declaring that constitutional rights belong only to individuals
15 and not to corporations or other artificial entities and that constitutionally protected free speech
16 excludes the unlimited spending of money on political campaign contributions. The referendum
17 shall be held under the laws then governing elections in the State. Ballots, voting systems, or
18 both may be used in accordance with Chapter 163A of the General Statutes. The question to be
19 used in the voting systems and ballots shall be:

20 " FOR AGAINST

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

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

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