



North Carolina Voters for Clean Elections

Citizens United Amendment Action Tool Kit

Before you can get your resolution passed, you must first get it on the Town Council's agenda for a "public hearing," followed by a vote. There are two ways to do this: 1) find a councilmember to sponsor your resolution and have your sponsor put it on the agenda, or 2) go to a Council meeting and speak during the open items segment, and ask that a resolution be put on the agenda for future meeting (check your town or county's open meeting rules to see if this process works in your town). We explain both processes below. But first the basics:

1. Have an initial planning meeting: Get a core group of people together to help work on the campaign. Identify people and organizations that might be interested in fighting corporate personhood.

a. Take stock of your resources: Who is in your core group and what resources do they bring? Who has relationships with members of the council? Who has special skills like graphic design or video?

b. Read up on the Issue: The Triangle Move To Amend website lists a number of sources as well as a number of articles: www.trianglemovetoamend.org

c. Have a clear goal: The long-term goal of our national campaign is to abolish corporate personhood, but the best your town, county or organization can do in NC is pass a resolution calling for a Congress to abolish corporate personhood. This educates the public and builds pressure for change. You can get sample resolutions passed in other jurisdictions in North Carolina at the Triangle Move To Amend website: www.trianglemovetoamend.org

d. Identify targets: Take a look at the city or town council and figure out who will be likely to support it, who will likely oppose it and who may be undecided

2. Outreach: to pass a resolution you will need to demonstrate widespread support for ending corporate personhood. This means you will need to reach out to organizations and individuals.

a. Organizations: Create a short letter addressed to the city council urging a resolution to end corporate personhood, then talk with representatives of organizations and businesses you think will support your campaign and ask them to sign on to the letter. This will give you a document listing influential supporters that you can share with city council members to demonstrate widespread support for the ban.

b. Individuals: Create a petition in support of a ban that includes space for names, addresses, emails and phone numbers. Collect petition signatures when you talk with groups, meet people at farmers' markets or in front of grocery stores, or go to other community gatherings.

3. Meet with elected officials

a. Identify a sponsor and make a strong ask: The best sponsor will be someone who is strongly supportive of abolishing corporate personhood and has good relationships with other members of the council. When you meet with your potential sponsor, bring a couple

of other supporters, particularly ones who have some power in the council member's. Also, make sure to bring your coalition letter and copies of the petitions you've gathered.

When you ask for support, be direct and polite. Give them a copy of the resolution and get their feedback. Ask for their commitment to introduce it. Ask when the resolution will be brought for a hearing and vote. Also ask his or her opinion about where other council members might stand and whether he or she can talk with them about supporting the "end corporate personhood" resolution.

b. Meet with other members: Set up meetings in advance by writing and/or calling their offices (this will depend upon the size of your city/town and your allies' relationship with the members). Bring people from the appropriate jurisdiction and be prepared to tell them the number of people in their district that signed the petition. Bring the coalition letter and petition copies. Make a direct ask for each council member to support the resolution and get a clear answer. If there is opposition, you will want to: get people from their districts to call, email or write letters asking for their support, write letters to local newspapers calling on the council members who are undecided to support the resolution. You don't want the council to take a vote unless you think you have a good chance of the resolution passing.

Tip: Be courteous, but also be persistent. If you have not heard back in three or four days, call again and ask if a meeting has been arranged. There are many demands on an official's time, but often those who get meetings are simply those who made follow-up calls.

4. The public hearing: If your resolution has a council sponsor, then the council will schedule a "public hearing" to discuss the resolution before either voting on or tabling it.

If you do not have a sponsor, in most cities, you can still sign up to speak at an "open items" segment of the council meeting, where you can explain the issue and ask that the resolution be put on the agenda for "public hearing" at a **future** meeting (in other words, this method requires you speak at two meetings). In the "open items" approach, you should send a copy of the resolution you want to propose to all members of the Council well before the meeting, and ask the town clerk to put it in the information packet for that meeting.

In both cases, you will want to organize your speakers and get media attention in advance.

a. Media outreach prior to the meeting

Media coverage serves a few important purposes. It can put pressure on members of the council to support the resolution in advance of a hearing, help educate other members of the community about the issue, and energize your base of supporters and your campaign. It can help other decision makers (members of Congress, state representatives, etc.) see your issue and note that it is a concern in their districts. So, getting your issue in the media will be important. (Contact Melissa Price Kromm with the NC Voters for Clean Elections for media lists and assistance: melissa@ncvce.org)

Letters to the editor: A letter to the editor is a 150-to-200-word letter that anyone can submit to the editorial page of a newspaper.

Reach out to reporters: Alert reporters a week in advance about an upcoming hearing or vote with press release/a media advisory: a short statement that has the “who, what, when, where and why” of the hearing. Be brief and clear —explain why the issue is significant to your community and why they should do a story on it.

b. Speaking at the meeting: Identify your best speakers (2-4 of them) in advance and have a strong presence at the hearing. Good speakers should explain all the reasons it is important to abolish corporate personhood and why the council members need to support it.

Sign up to speak at the hearing. Most cities and towns require people who want to speak to sign up just before or at the beginning of the hearing. Make sure to get there early because there may be a limit to the number of speakers allowed. Keep it brief but make it powerful. Whoever speaks first should ask everyone who is there supporting the ban to stand up or hold up their signs or identify themselves in some public way so the council can see how broad the support is. Someone should also read off a list of all the organizations and businesses that signed the group letter supporting the resolution.

Turnout numbers and organizations: Call all the groups, send out notices about the hearing on community listservs and through social media like Facebook or Twitter.

Clearly identify people on your side: Make sure everyone on your side is clearly identified by some visual identifiers like stickers, buttons, hats or give everyone an 8½” x 11” piece of paper that says in large letters “Abolish corporate personhood”.

Press: If representatives of the media are there, talk with them. You will want to identify in advance who from your group will talk to the media and make sure everyone is clear on the right talking points to use.

5. Follow-up: If the resolution passes, congrats! If it does not pass, don’t give up! It just means you need to do more organizing. Go back to step one and hold a meeting to consider next steps.

a. Send the resolution to the national “Move To Amend” website: Move To Amend is tracking and mapping all the resolutions passed. When yours is passed, send a copy to us and we’ll post it on our website where it can be shared with other activists all over the country.

b. Send the resolution to your members of Congress: Congress is considering several pieces of legislation which would either abolish corporate personhood or at least disclosing the source of money spent in elections. Your members of Congress need to hear that you and your community oppose corporate personhood and that they should fight, not only for disclosure bills but also for a and two corporate personhood.

c. Celebrate your victory! If you’ve been successful at passing a resolution, you’ve done some great work! So celebrate that victory with them! This is something we don’t do often enough.

For more information contact Melissa Price Kromm at NC Voters for Clean Elections
www.ncvce.org or www.trianglemovetoamend.org

Sample Letter to Organizations

Dear organizational leader --

We are seeking your organization's support in asking the _____ City Council to endorse a resolution calling for an amendment to the U. S. Constitution that would reverse the Supreme Court decision in the *Citizens United v. Federal Election Commission* case (2010). This case disastrously extended the concept of "corporate personhood" to allow unlimited corporate contributions in elections. Furthermore, the concept of "corporate personhood" clashes with the principle that corporations should be entitled to legislatively-conferred powers – powers that are limited to their legitimate function – not constitutional rights.

Our argument is laid out in the attached resolution that we will present to Council. We are writing to ask that you consider signing, with us, the attached cover letter to Council that will accompany the resolution.

We ask for your support because your organization works on public policy issues, and/or provides public services, activities which are either directly or indirectly affected by elected officials. The people that we elect control the policies that you advocate for and support for services that you provide. Since corporations now are deemed "persons" and have unlimited campaign spending privileges, citizens lose much of our democratic control.

We are all aware that seeking the money to finance their elections (and re-elections) has become the obsession of our national, state, and even local officials. Worse, these officials become beholden to their biggest contributors. The impact of "Citizens United" will only exacerbate this distortion of our democracy.

We would welcome any opportunity to engage with your members to discuss this issue – from a presentation to an informal meeting. Our group, _____, is part of a growing national movement of people and organizations that were shocked into action by the Citizens United case, and that have resolved to pursue a constitutional amendment. While amending the constitution is a lengthy process, we believe that nothing less will reverse the corruption of our democracy.

Cities across the country are signing resolutions. We ask for your endorsement of this cause, your help in educating and persuading your members about this issue, and your name on the cover letter to Council. We would welcome your help in recruiting other organizations to this cause.

We will be contacting you in the next week to see if there are questions that we could answer, or other materials we could provide.

Sincerely,

Sample Letter to City Council

TO: Members of the _____ - City Council and Mayor _____-l

CC: (City Manager, County Commissioners, local state House and Senate representatives)

We appreciate the opportunity to bring our concerns to our City Council. As your constituents, we ask that you address an issue of central importance to our democratic institutions.

Last year, the U.S. Supreme Court issued a decision, *Citizens United v. Federal Election Commission*, which essentially held that corporations are people and that corporate campaign contributions are entitled to protection under the First Amendment as free speech. The decision has unleashed an unprecedented flood of corporate donations to candidates, which threatens the fairness of our elections and the integrity of our electoral system. The decision amplifies the voices of powerful interests at the expense of ordinary citizens, whose voices are being drowned out.

In December 2011, the Los Angeles City Council voted unanimously to adopt a resolution calling on Congress to amend the Constitution to clearly establish that only living persons – not corporations – are endowed with Constitutional rights and that money is not the same as speech. Numerous cities across the country have passed similar resolutions. Voters in Madison and Dane Counties in Wisconsin and in Boulder, Colorado and Missoula, Montana overwhelmingly passed ballot initiatives in favor of amending the Constitution to reverse the *Citizens United* decision.

While the concept of a Constitutional remedy may seem drastic, it is what is required to re-establish a truly representative democracy. Members of both houses of Congress have introduced bills calling for a Constitutional amendment to reverse the *Citizens United* decision. We need to send a clear message to Washington that it is time to return our democracy and our elections to people, real people who live and work in our communities.

The undersigned represent a broad range of your constituents who come together on the need to amend the Constitution to abolish corporate personhood and to give our elected officials the right to regulate corporate campaign contributions.

Specifically, we ask that you pass a resolution in favor of a Constitutional amendment that would reverse the *Citizens United* decision. Further, we ask that you join us in urging our leaders at the federal level, including 4th District U.S. Representative David Price, Senator Kay Hagan, Senator Richard Burr, and President Barak Obama, to support or introduce legislation that will end corporate personhood and return our elections to the American people.

Enclosed is a draft resolution for your consideration. We welcome your immediate response.

Respectfully,

(Organizations, Supporters etc)

Sample Petition

Petition to SAVE OUR DEMOCRACY

On Jan 21, 2010, with its ruling in Citizens United v. Federal Election Commission, the Supreme Court ruled that corporations are "persons," and thus that corporate campaign contributions are entitled to protection under the First Amendment as free speech. The truth is that only human beings are people. Corporations are legal fictions. The Supreme Court is misguided in principle, and wrong on the law. In a democracy, people – and only people – rule.

We are asking our local elected officials to pass a resolution urging our elected officials to work toward ending corporate personhood by amending the U.S. Constitution.

We, the undersigned people of the United States of America, reject the U.S. Supreme Court's ruling in Citizens United, and move to amend the U.S. Constitution to:

- Firmly establish that money is not "free speech."
- Firmly establish that human beings, not corporations, are persons entitled to constitutional rights under the Bill of Rights.

Name and signature:	Street Address:	Contact info:
Name and signature:	Street Address:	Contact info:
Name and signature:	Street Address:	Contact info:
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North Carolina Voters for Clean Elections

www.ncvce.org

Sample Resolution

RESOLUTION OF THE _____ CITY COUNCIL TO SUPPORT AN AMENDMENT TO THE U.S. CONSTITUTION TO LIMIT CORPORATE PERSONHOOD INFLUENCE, TO REVERSE THE “CITIZENS UNITED” SUPREME COURT DECISION, AND TO RESTORE CONSTITUTIONAL RIGHTS AND FAIR ELECTIONS TO THE PEOPLE.

(1) **WHEREAS**, We the people adopted and ratified the United States Constitution to protect the free speech and other rights of people, not of corporations;

(2) **WHEREAS**, Corporations are not human, are not people, and are not mentioned in the constitution, but instead are human-made legal fictional entities created by the laws of states and nations, with non-human powers and attributes: they can exist in perpetuity, can exist simultaneously in many nations at once, have limited liability, have special rules for the accumulation of assets, and they need only profit for survival.

(3) **WHEREAS**, for the past three decades, a divided United States Supreme Court, by including corporations in the term “persons”, has erroneously transformed the First Amendment into a powerful tool used by corporations seeking to evade and invalidate the people’s laws.

(4) **WHEREAS**, the Supreme Court’s 5-4 decision in Citizens United v. FEC broke with long-settled legal precedents that acknowledged the power of citizens through their elected representatives to limit corporate influence in elections;

(5) **WHEREAS**, Citizens United v. Federal Election Commission unleashes a torrent of corporate money into our political process, amounts unmatched by any campaign expenditure totals in United States history, threatening to dilute and outweigh the free speech rights of ordinary citizens, because of the vast financial resources corporations can spend to influence elections, compared with ordinary people;

(6) **WHEREAS**, Citizens United v. Federal Election Commission purports to invalidate state laws and even state Constitutional provisions separating corporate money from elections;

(7) **WHEREAS**, the current campaign finance system creates an unequal playing field and allows unlimited corporate and, in effect, personal, spending to unduly influence elections, candidate selection, and policy decisions and also forces elected officials to divert their attention from The Peoples’ business, and even vote against the interest of their human constituents, in order to ensure competitive campaign funds for their own re-election;

(8) **WHEREAS**, corporations invoking the concept of corporate personhood to use the 1st, 5th and 14th Amendments has resulted in inordinate corporate power surpassing the rights of individuals and their elected representatives, and may in the future result in the further erosion of those individual rights.

(9) **WHEREAS**, Article V of the United States Constitution empowers and obligates the people and states of the United States of America to use the constitutional amendment process to correct egregiously wrong decisions of the United States Supreme Court, a process that goes to the heart of our democracy and republican self-government; and

(10) **WHEREAS**, the people and states of the United States of America have strengthened the nation and preserved liberty and equality for all by using the amendment process throughout our history, including in seven of the ten decades of the 20th century, and including the reversal of seven erroneous Supreme Court decisions.

THEREFORE, BE IT RESOLVED, that the City Council of _____, NC encourages federal and state legislative action to defend democracy from the corrupting effects of undue corporate power by increasing disclosure of political money, providing candidates with an option for voter-authorized public funding, and amending the United States Constitution to establish that:

- 1) Only human beings, not corporations, are endowed with constitutional rights, and
- 2) Money is not speech, and therefore regulating political contributions and spending is not equivalent to limiting political speech.

Sample Resolution

RESOLUTION SUPPORTING AN AMENDMENT TO THE CONSTITUTION TO PROVIDE THAT CORPORATIONS ARE NOT ENTITLED TO THE PROTECTIONS OR “RIGHTS” OF NATURAL PERSONS AND TO PROVIDE THAT CAMPAIGN SPENDING DOES NOT FALL UNDER THE FREE SPEECH PROTECTION OF THE FIRST AMENDMENT AND CAN THEREFORE BE REGULATED.

(1) WHEREAS, In 2010 the United States Supreme Court issued its decision in Citizens United v. Federal Election Commission, holding that independent spending on elections by corporations and other groups could not be limited by government regulations; and

(2) WHEREAS, this decision rolled back the legal restrictions on corporate spending in the electoral process, allowing for unlimited corporate spending to influence elections, candidate selection, and policy decisions; and

(3) WHEREAS, in reaching its decision, a majority of the Supreme Court, relying on prior decisions, interpreted the First Amendment of the Constitution to afford corporations the same free speech protections as natural persons; and

(4) WHEREAS, in his eloquent dissent, Justice John Paul Stevens rightly recognized that “corporations have no consciences, no beliefs, no feelings, no thoughts, no desires.... [and] are not themselves members of ‘We the People’ by whom and for whom our Constitution was established”; and

(5) WHEREAS, Montana Supreme Court Justice James C. Nelson recently echoed Stevens’ sentiments, writing that "Corporations are not persons. Human beings are persons, and it is an affront to the inviolable dignity of our species that courts have created a legal fiction which forces people — human beings — to share fundamental, natural rights with soulless creatures of government.", and

(6) WHEREAS, The Court’s decision in Citizens United severely hampers the ability of federal, state and local governments to enact reasonable campaign finance reforms and regulations regarding corporate political activity; and

(7) WHEREAS, Corporations should not be afforded the protections or “rights” of natural persons, such that the expenditure of corporate money to influence the electoral process is a form of constitutionally protected speech; and

(8) WHEREAS, several proposed amendments to the Constitution have been introduced in Congress that would allow governments to regulate the raising and spending of money by corporations to influence elections;

NOW, THEREFORE, BE IT RESOLVED, that the _____ City Council opposes the Supreme Court’s interpretation of the Constitution in Citizens United regarding the constitutional rights of corporations, and supports amending the Constitution as advocated nationally by the “Move to Amend” movement, specifically that:

Section 1 [A corporation is not a person and can be regulated]

The rights protected by the Constitution of the United States are the rights of natural persons only.

Artificial entities, such as corporations, limited liability companies, and other 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 speech and can be regulated]

Federal, State and local government shall regulate, limit, or prohibit contributions and expenditures, including a candidate's own contributions and expenditures, for the purpose of influencing 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.

Section 3

Nothing contained in this amendment shall be construed to abridge the freedom of the press. Be it further resolved that this resolution be forwarded to _____ representatives in the United States Congress.

Sample Resolution

RESOLUTION TO AMEND THE FEDERAL CONSTITUTION TO CLARIFY THAT CORPORATIONS ARE NOT PEOPLE AND MONEY IS NOT SPEECH

(1) WHEREAS, government of, by, and for the people has long been a cherished American value, and We The People's fundamental and inalienable right to self-govern, and thereby secure rights to life, liberty, property, and the pursuit of happiness is guaranteed in the US Constitution and the Declaration of Independence, and;

(2) WHEREAS, corporations are human-made, legal fictions created by express permission of We The People and our government, and are not and have never been human beings, but rather are rightfully subservient to human beings and governments as our legal creations, and;

(3) WHEREAS, corporations can exist in perpetuity, can exist simultaneously in many nations at once, and can concentrate vast wealth which allows them to corrupt the political process in order to gain special privileges and to wield coercive force of law to overpower human beings and communities, thus denying We The People's exercise of our Constitutional rights, and;

(4) WHEREAS, the recent *Citizens United v. the Federal Election Commission* Supreme Court decision that rolled back the legal limits on corporate spending in the electoral process creates an unequal playing field and allows unlimited corporate spending to influence elections, candidate selection, policy decisions and sway votes, and forces elected officials to divert their attention from The Peoples' business, or even vote against the interest of their human constituents, in order to ensure competitive campaign funds for their own re-election, and;

(5) WHEREAS, large corporations own most of America's mass media and use that media as a megaphone to express loudly their political agenda and to convince Americans that their primary role is that of consumers, rather than sovereign citizens with rights and responsibilities within our democracy, and this forces citizens to toil to discern the truth behind headlines and election campaigning, and;

THEREFORE BE IT RESOLVED that the town of _____, NC stands with the Move to Amend campaign and communities across the country to defend democracy from the corrupting effects of undue corporate power by amending the United States Constitution to establish that:

- 1) Only human beings, not corporations, are endowed with constitutional rights, and
- 2) Money is not speech, and therefore regulating political contributions and spending is not equivalent to limiting political speech.