

The Commonwealth of Massachusetts

INITIATIVE PETITION OF MATTHEW W. PATSKY AND OTHERS.

OFFICE OF THE SECRETARY.

BOSTON, JANUARY 3, 2018.

Steven T. James
Clerk of the House of Representatives
State House
Boston, Massachusetts 02133

Sir: - I herewith transmit to you, in accordance with the requirements of Article XLVIII of the Amendments to the Constitution, an Initiative Petition for An Act for a Law Relative to Establishing a Citizens Commission Concerning a Constitutional Amendment to Secure Government of the People, signed by ten qualified voters and filed with this department on or before December 6, 2017, together with additional signatures of qualified voters in the number of 86,199, being a sufficient number to comply with the Provisions of said Article.

Sincerely,

WILLIAM FRANCIS GALVIN,

Secretary of the Commonwealth.

AN INITIATIVE PETITION.

Pursuant to Article XLVIII of the Amendments to the Constitution of the Commonwealth, as amended, the undersigned qualified voters of the Commonwealth, ten in number at least, hereby petition for the enactment into law of the following measure:

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act for a law relative to establishing a citizens commission concerning a constitutional amendment to secure government of the people.

Be it enacted by the People, and by their authority, as follows:

1 Section 1. Policy and Purpose

2 a. This Act establishes a non-partisan Citizens Commission to advance the policy of
3 Massachusetts in favor of amending the Constitution of the United States (i) to affirm that
4 artificial entities do not possess the inalienable Constitutional rights of the People, and (ii) in
5 order to eliminate the undue influence of concentrated money on elections and on governmental
6 policy, campaign contributions and spending may be regulated and limited.

7 b. It is the intent of this Act that the proposed federal constitutional amendment or
8 amendments that are the subject matter of this Act shall be drafted and construed so as to protect
9 the integrity and fairness of elections and government; prevent corruption; secure the right of all
10 Americans to be represented and to participate in self-government as equal citizens; protect the
11 freedom of speech, of the press and other rights of all Americans over the privileges of artificial
12 entities; and ensure the constitutionality of sound regulation and operation of corporations and
13 other economic entities by the people.

14 c. To further this intent and advance the constitutional amendment(s) and the
15 policies described herein, an independent, non-partisan Citizens Commission is hereby
16 established for the purpose of reporting and making such recommendations as may be of
17 assistance in drafting, promoting, proposing and ratifying such constitutional amendment(s).

18 d. This Act shall be known as the Citizens Commission Concerning a Constitutional
19 Amendment for Government of the People Act.

20 Section 2. Establishment of Citizens Commission Concerning a Constitutional
21 Amendment for Government of the People

22 a) This Act establishes a Citizens Commission Concerning a Constitutional
23 Amendment for Government of the People to advance the policies of the Commonwealth of
24 Massachusetts, (1) that inalienable Constitutional rights are the rights of individual living human
25 beings and not of artificial entities or aggregations of people, and (2) as set forth in a Resolution
26 passed by the General Court of Massachusetts in 2012, which resolved that “the Commonwealth
27 of Massachusetts hereby calls upon the United States Congress to pass and send to the states for
28 ratification a constitutional amendment to restore the First Amendment and fair elections to the
29 people” based on the following:

30 i) “Whereas, the First Amendment to the United States Constitution was designed to
31 protect the free speech rights of people, not corporations;

32 ii) Whereas, for the past three decades, a divided United States Supreme Court has
33 transformed the First Amendment into a powerful tool for corporations seeking to evade and
34 invalidate democratically-enacted reforms;

35 iii) Whereas, this corporate takeover of the First Amendment has reached its extreme
36 conclusion in the United States Supreme Court’s recent ruling in Citizens United v. FEC;

37 iv) Whereas, the United States Supreme Court’s ruling in Citizens United v. FEC
38 overturned longstanding precedent prohibiting corporations from spending their general treasury
39 funds in our elections;

40 v) Whereas, the United States Supreme Court’s ruling in Citizens United v. FEC will
41 now unleash a torrent of corporate money in our political process unmatched by any campaign
42 expenditure totals in United States history;

43 vi) Whereas, the United States Supreme Court’s ruling in Citizens United v. FEC
44 presents a serious and direct threat to our democracy;

45 vii) Whereas, the people of the United States have previously used the constitutional
46 amendment process to correct those egregiously wrong decisions of the United States Supreme
47 Court that go to the heart of our democracy and self-government.”

48 b) The People find and declare that the establishment of a non-partisan Citizens
49 Commission as provided herein will ensure prudent consideration of such a constitutional
50 amendment by the Massachusetts Congressional delegation and by the citizens and the General
51 Court of Massachusetts during the ratification process to follow Congressional approval.

52 c) The Citizens Commission shall research, take testimony, report, and make such
53 recommendations as may be of assistance in drafting, promoting, proposing, and ratifying such a
54 constitutional amendment.

55 Section 3. Composition, Appointments, and Deliberative Process

56 a) The Citizens Commission shall be comprised of 15 United States citizens who are
57 residents of Massachusetts, and shall be appointed as follows:

58 i) The Governor shall appoint 3 members;

59 ii) The Secretary of the Commonwealth shall appoint 3 members;

60 iii) The Attorney General shall appoint 3 members;

61 iv) The Speaker of the House shall appoint 3 members; and

62 v) The President of the Senate shall appoint 3 members.

63 b) No person shall be appointed to the Citizens Commission who has not publicly
64 applied for such appointment, which applications the Governor shall cause to be posted on a
65 page established for the public knowledge and oversight of the appointment and operation of the
66 Citizens Commission on the official website of the Commonwealth of Massachusetts.

67 c) An application by any citizen who seeks to serve on this Commission shall state:

68 i) The intent of the applicant to comply with and advance the policy established by
69 this Act;

70 ii) The applicant's qualifications and interest in serving on the Citizens Commission;

71 iii) The political party affiliation, if any, of the applicant over the previous 5 years;

72 iv) The city or town in which the applicant resides;

73 v) The employment of the applicant, if employed.

74 d) All applications for service on the Citizens Commission shall be submitted within
75 60 days of the posting of the appointment opportunity on the official website of the
76 Commonwealth of Massachusetts, which posting the Governor shall cause to be made within 30
77 days of effective date of this Act.

78 e) All appointments to the Citizens Commission shall be made no sooner than 90
79 days and no later than 120 days after the effective date of this Act.

80 f) In making appointments to the Commission, the Governor, Secretary of State,
81 Attorney General, President of the Senate and Speaker of the House of Representatives shall
82 have due regard for the non-partisan nature of the Citizens Commission, and shall seek to ensure
83 that the Citizens Commission reflect a range of geographic, political, and demographic
84 backgrounds.

85 g) Appointees to the Citizens Commission shall serve without compensation.

86 h) Members of the Citizens Commission shall elect a chair or co-chairs, in the
87 manner as the members of the Commission may decide by majority vote.

88 i) The Citizens Commission shall meet on a regular basis to gather evidence,
89 testimony, and advice in the manner that the members of the Commission determine is most
90 conducive to achieving the objectives of this Act, provided however, that the Citizen
91 Commission proceedings and activities shall be subject to the Open Meeting Law and the Public
92 Records Law, and that all residents of Massachusetts have a reasonable opportunity to offer their
93 views and ideas related to the policies herein to the Commission.

94 Section 4. Report and Recommendations

95 a) The Citizens Commission shall issue a Report of Findings and Recommendations,
96 which shall include the following:

97 i) The nature and impact of political and election spending in Massachusetts;

98 ii) The limitations, if any, on the legal ability of the Commonwealth and its citizens
99 to reasonably regulate corporations and other entities due to the Supreme Court’s conclusion that
100 corporations may assert Constitutional rights of human beings;

101 iii) Recommendations as to the scope and language of one or more constitutional
102 amendment resolutions that would address the problem and policies described herein, and that
103 would be prudent for the Commonwealth of Massachusetts to ratify under Article V of the
104 United States Constitution;

105 iv) An analysis of the constitutional amendments that have been introduced in
106 Congress to date in response to the Supreme Court’s decision in Citizens United v. FEC, an
107 assessment of their alignment with the policies and objectives set forth in this Act; and

108 v) Recommendations for actions to be taken by Congress, the General Court of
109 Massachusetts, the Governor, Secretary of the Commonwealth, the Attorney General and other
110 public officials and bodies, and citizens of the Commonwealth of Massachusetts to further
111 promotion, proposal, and ratification of the recommended constitutional amendment or
112 amendments.

113 b) The Citizens Commission shall deliver its first Report and Recommendations to
114 the President of the Senate, the Speaker of the House of Representatives, the Governor, the

115 Secretary of the Commonwealth, the Attorney General and the citizens of Massachusetts on or
116 before December 31, 2019.

117 c) Within 5 days of receipt, the Secretary of the Commonwealth is instructed to
118 deliver the Report and Recommendations of the Citizens Commission to all current members of
119 the General Court of Massachusetts, all current members of the United States Congress, and the
120 President of the United States.

121 d) The Secretary of the Commonwealth is directed to immediately deliver copies of
122 this law, when enacted, to the following persons: The Governor, the Attorney General, all current
123 members of the General Court of Massachusetts, all current members of the United States
124 Congress, and the President of the United States.

125 e) With the Act, the People hereby urge that Congress, the General Court of
126 Massachusetts, the Governor, Secretary of the Commonwealth, the Attorney General and other
127 public officials and bodies, and citizens of the Commonwealth of Massachusetts carefully review
128 the Citizen Commission's findings and take all constitutional and lawful actions to further the
129 proposal and ratification of the recommended constitutional amendment or amendments.

130 Section 5. Severability

131 The several provisions of this Act are independent and severable and the invalidity, if
132 any, of any part or feature thereof shall not affect or render the remainder of the Act invalid or
133 inoperative.

134 Section 6. Effective Date

135 This act shall take effect on January 1, 2019.

FIRST TEN SIGNERS

<u>NAME</u>	<u>RESIDENCE</u>	<u>CITY OR TOWN</u>
Matthew W. Patsky	4 Columbus Square, #1	Boston
Jeffrey D. Clements	46 Wood Street	Concord
Susan C. Muller	5 Ingham Lane	Concord
Deborah S. Scarff	9 Luther Road	Burlington
Lawrence Scarff	9 Luther Road	Burlington
Debra Stark	9 Pond View Drive	Acton
Benjamin Gubits	72 Las Casas Street	Malden
Kimberly G. Wass	131 Hubbard Street	Concord
Cheryl Clyburn-Crawford	32 Crawford Street, #2	Boston
Donna Chadwick	16 Rocky Hill Road	Burlington

CERTIFICATE OF THE ATTORNEY GENERAL.

September 6, 2017.

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

RE: Initiative Petition No. 17-03: Initiative for a Law Relative To
Establishing a Citizens Commission Concerning a Constitutional
Amendment to Secure Government of the People.

Dear Secretary Galvin:

I accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

MAURA HEALEY,
Attorney General.

Summary of 17-03.

This proposed law would create a citizens commission to consider and recommend potential amendments to the United States Constitution to establish that corporations do not have the same Constitutional rights as human beings and that campaign contributions and expenditures may be regulated.

Any resident of Massachusetts who is a United States citizen would be able to apply for appointment to the 15-member commission, and members would serve without compensation. The Governor, the Secretary of the Commonwealth, the state Attorney General, the Speaker of the state House of Representatives, and the President of the state Senate would each appoint three members of the commission and, in making these appointments, would seek to ensure that the commission reflects a range of geographic, political, and demographic backgrounds.

The commission would be required to research and take testimony, and then issue a report regarding (1) the impact of political spending in Massachusetts; (2) any limitations on the state's ability to regulate corporations and other entities in light of Supreme Court decisions that allow corporations to assert certain constitutional rights; (3) recommendations for constitutional amendments; (4) an analysis of constitutional amendments introduced to Congress; and (5) recommendations for advancing proposed amendments to the United States Constitution.

The commission would be subject to the state Open Meeting Law and Public Records Law. The commission's first report would be due December 31, 2019, and the Secretary of the Commonwealth would be required to deliver the commission's report to the state Legislature, the United States Congress, and the President of the United States.

The proposed law states that, if any of its parts were declared invalid, the other parts would stay in effect. The proposed law would take effect on January 1, 2019.