

PassMass Amendment

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Press Release: 2 September 2015 **For Immediate Release - PassMassAmendment**

September 2, 2015

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PassMassAmendment goes ahead with 2015 PMA Initiative Petition after AGO claims bound by Art 48

PassMassAmendment [PMA] will use the *CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS* for what it was intended under **Amendments, Article XLVIII**, and petition The People of the Commonwealth to declare, in summary, that **"Corporations Are Not People and may be regulated. Money Is Not Free Speech and may be regulated."**

The Office of the Massachusetts Attorney General "regrets" that it cannot certify the proposed 2015 PMA Constitutional Amendment Initiative Petition because it contends that the subject matter contained in the language violates Article 48; but the AGO clearly states that the Massachusetts Legislature can address these very same issues as those submitted by this statewide ballot initiative committee (see excerpt, below.) Nevertheless, PMA intends to go ahead and challenge the AGO's decision denying certification and to proceed with the gathering of voter signatures. PMA believes that ONLY with The Voice of The People, as expressed through the citizens' initiative petitioning process, can this critical issue be properly addressed and given the attention that it requires on Beacon Hill. PMA aims to amend the Massachusetts Constitution.

The Language of the 2015 Petition:

The petition has three sections; the first addresses the rights of corporate entities; the second allows for placing limits on the raising and spending of money for political campaigns, and the third preserves the freedom of the press. (See text on final page)

PMA will be gathering voter signatures – statewide – for 9 weeks.

Beginning mid-September, **PMA** aims to collect nearly 80,000 Massachusetts voter signatures in order to get the amendment through two consecutive sessions of the MA Legislature and then on to the 2018 ballot and submitted to The People for their approval. Petition signers must be MA registered voters. **PMA** volunteers are ready for the 2015 petitioning period, September 16 to November 18, with PMA regional coordinators volunteering all over the State. Organizers are reaching out to every community to ensure that this pivotal State Constitutional Amendment is presented to all The People of the Commonwealth and that all voices are heard.

The State's printed petition forms will be available on Sept 16th 2015.

Downloadable forms should be made available to the public, from the State's website, print ready from a pdf file, beginning several days earlier than the 16th. PMA will have a [direct link](#) to the form on its website: <http://www.passmassamendment.org/> as soon as the Secretary of the Commonwealth releases the electronic version.

<http://passmassamendment.wikispaces.com/PRINT+THE+PETITION+FORM>

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Bills in the State House Echo the Public's Cry to Get BIG Money OUT of Electoral Politics.

In a coordinated effort, PMA is supporting two Legislative Amendments in the Massachusetts Legislature which – like the petition - propose to clarify the State Constitution relative to corporate rights and political spending. **S-53 and H-933** both state that "**Corporations Are Not People. Money Is Not Speech.**" The MA Legislature has the power to amend the State Constitution without a citizens' initiative petition; but money in politics has swept over rules in many other States and become the National norm, therefore, The People of the Commonwealth must take up this critical issue and lead the Nation to salvage what remains of its representative democracy.

Public Invited to Join PMA at the MA State House Sept 16th and ask Legislators to support bills S-53 & H-933.

PMA asks citizens to contact their local Legislators and ask them to support these two bills. See additional information regarding these Legislative Amendments below, and at this link: <http://passmassamendment.wikispaces.com/Statehouse+Days>

PassMassAmendment [PMA] is a citizen-based ballot initiative committee, the people exercising their Constitutional Rights to amend and clarify our State Constitution – via both petition and the legislative process - to reign in the corrupting influence of excessive corporate power and money in our Commonwealth.

Further information/questions about this ballot initiative may be addressed to: **info "at" passmassamendment.org**. For volunteer opportunities, contact **Terra at 978-808-7173**.

Additional information

In 2012, **PassMassAmendment** started the process of a ballot initiative to amend the Massachusetts Constitution to declare that "Corporations are not People, Money is not Speech".

PassMassAmendment follows this path because The People have no other option. Massachusetts tried to get the corrupting influence of money out of politics in 1998, with a ballot initiative referred to as "Clean Elections Law". It was passed by voters by a 2 to 1 margin. The initiative demanded that the Massachusetts Legislature act, but without giving the State the necessary funding, the law died. The corrupting influence of money in our political process has left The People with only one option - the initiative petition: our protection and right under this State's Constitution – to "clarify" our Constitution. The PMA committee believes that the framers of the Massachusetts Constitution never meant for corporations to be considered people, or for currency to be equated with speech.

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Under **Amendments, Article XLVIII**, of the **CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS**, PMA has filed a proposed Amendment this year, based on the tenet that **"Corporations are not people and may be regulated. Money is not speech and may be regulated."**

The Massachusetts Constitution awarded corporations no rights, only restrictions. Article VI begins, *"No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public..."*. Corporations have been given rights in Massachusetts. But those rights are NOT INALIENABLE. The only rights that are inalienable are guaranteed by the Massachusetts Constitution, which corporations do not have. The rights corporations currently have are granted by the Massachusetts Legislature through the Massachusetts General Laws and their charters. Those rights are not inalienable.

As for money being considered speech, we refer to the original language in **Article XXI** of our Constitution. At the time, it effectively, protected free speech only within the "Houses of the Legislature."

Since the 1884 enactment of **Massachusetts General Law Chapter 320, Section 7**, and subsequent editions of that law, any solicitation or accepting of money by any elected official in the Houses of the Legislature or any public building is illegal. These laws applied to only specific physical locations: those locations where free speech was protected. The distinct connection between disallowing money specifically where free speech was protected and the importance of protecting free speech from the influence of money cannot be denied. These laws limited the use of money in places where free speech was guaranteed by the state constitution at that time. If the framers of the law had believed that money was protected speech, they would have, at that time, not barred its use in those hallowed chambers. The law was intended to uphold the validity of the constitutional protections of our democracy by taking money out of the place of protected speech. We feel that this validates our claim that money has never been considered speech in Massachusetts.

The process that we are engaged in is referred to as "Amending the Massachusetts Constitution through a Ballot Initiative." We are not truly comfortable using that phrase because we look at what we are doing as a "clarification".

See more [legal discussion here](#).

Note that amending the longest lasting document of its kind should not be easy. The People of PMA are prepared to make this journey. PMA volunteers come from Massachusetts, a state that led the way to make the colonies an Independent Republic. The People of the Commonwealth of MA are now being called upon to lead the way, again.

The People have 9 weeks - a VERY limited time - to obtain almost 65,000 valid petition signatures. The proposed amendment would then need to be passed by two consecutive sessions of the Massachusetts Legislature, with at least 25% approval. At that point the "ballot question" would be placed on the 2018 November ballot for The People of MA to decide our future.

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To make a point, we like to ask people what issue is most important to them. Before they answer, we say to them that as long as money is such a corrupting influence on our political process, issue that they care most about will not be resolved to their satisfaction until money used to buy elections and right legislation is removed from our political process.

To be able to accomplish this lofty goal, PMA will need grassroots help from individuals all over Massachusetts. To achieve another first for the majority of The People of the Commonwealth must take action, both by signing the 2015 PMA petition and by supporting the passing this State Amendment on Beacon Hill. Only then, will The People be able to vote this Amendment into the Massachusetts State Constitution.

From the AGO

excerpt from the letter by Julianna deHaan Rice Chief, Government Bureau, dated Sept 2nd, 2015:

“I regret that we are unable to certify that the proposed constitutional amendments comply with Article 48. This is a matter that the Legislature may address through a constitutional amendment, but that the Constitution does not allow through the initiative petition process. Please understand that our decision, as with all decisions on certification of initiative petitions, is based solely on art. 48's legal standards and does not reflect the Attorney General's policy views on the merits of the proposed constitutional amendments. Indeed, the Office of the Attorney General joined an *amicus* brief in the Citizens United case and, since that case was decided in 2010, has urged the passage of a federal constitutional amendment to undo its unfortunate effects on our democratic process.”

Bills filed for a MA Constitutional Amendment in the State House this session:

S-53 (Senator Ken Donnelly, Lead Sponsor)

o Proposal for a legislative amendment to the Constitution relative to corporate rights and political spending.

<https://malegislature.gov/Bills/BillHtml/142238?generalCourtId=12>

H-933 (Representatives Dave Rogers & Paul Marks, Lead Sponsors)

o Proposal for a legislative amendment to the Constitution to declare that corporations are not people, money is not speech.

<https://malegislature.gov/Bills/BillHtml/142161?generalCourtId=12>

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The Language of the 2015 PMA Petition:

PassMassAmendment's 2015 Initiative Petition

relative to corporate rights and political spending, for a constitutional amendment to the

CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS

to declare that

"Corporations are not people and may be regulated. The General Court may limit political spending and contributions."

Section 1 - Corporations are not people and may be regulated. The rights afforded to the human inhabitants of this Commonwealth, under this Constitution, are not applicable to any corporation, corporate entity or artificial person. Any references to persons, citizens, inhabitants, subjects, men, women, people, individuals or like terms in this Constitution are not to be construed in any way to be referring to a corporation, corporate entity or artificial person. All corporations, corporate entities or artificial persons shall do business in Massachusetts under the regulation of laws passed by the Massachusetts General Court, which shall set the rights of such entities to do business to promote the common good and strengthen the social compact of this Commonwealth.

Section 2 - The Massachusetts General Court may regulate and set reasonable limits on all political contributions and expenditures, to ensure that all individuals, regardless of their economic status, have access to the political process, and that no individual gains more access or ability to influence in any way, the election of any candidate for public office, or any ballot measure. The Massachusetts General Court shall require that any and all permissible contributions and expenditures, including late donations, be publicly disclosed, in a timely manner, for the purpose of informing the people, before any vote is held.

Section 3 - Nothing contained in this Amendment shall be construed to abridge the freedom of the press.