

DEMOCRACY IS FOR PEOPLE



A Public Citizen project

A Call for a Constitutional Amendment to Overturn *Citizens United* and *McCutcheon*

On January 21, 2010, the U.S. Supreme Court unleashed a flood of corporate money into our political system by ruling that, contrary to longstanding precedent, corporations have a First Amendment right to spend unlimited amounts of money to promote or defeat candidates. The decision in this historic case – *Citizens United v. Federal Election Commission* – overturned a century of campaign finance law and has dealt a devastating blow to our democracy. The Supreme Court’s 2014 *McCutcheon v. FEC* ruling raised the limit on total personal giving to federal candidates and parties nearly fifty-fold.

Americans Are Outraged by the Court’s Decision

- Voters oppose *Citizens United* by a nearly 3-1 margin, with Republicans opposing the ruling by 2-1.ⁱ
- By a more than 6-1 margin, voters hold an unfavorable view of spending in elections by special interests and lobbyists. This opposition is roughly equal among Republicans, Democrats and Independents.ⁱⁱ
- By a 6-1 margin, voters feel that reducing the influence of money in politics is an important issue.ⁱⁱⁱ
- By a 2-1 margin, voters provided with a short description of the amendment favor a constitutional amendment to overturn *Citizens United*.^{iv}
- 83% of Americans (85% of Democrats, 81% of Republicans and 78% of Independents) think there should be limits on how much money corporations can give in elections. And 90% of those with incomes over \$100,000 support such limits.^v
- 66% of small business owners view the *Citizens United* ruling as bad for the ability of small businesses to compete. Only 9% say it is good for small business.^{vi}

Since the Court’s Decision, Election Expenditures Have Soared

- Nearly \$800 million of outside spending was spent on the 2014 elections cycle in federal elections.^{vii} Nearly \$4 billion was spent overall.^{viii}
- In the 2014 elections, 31,976 donors — equal to roughly one percent of one percent of the total population of the United States — accounted for an astounding \$1.18 billion in disclosed political contributions at the federal level.^{ix}
- Spending by outside groups rose 243% in 2012 over the previous presidential election cycle.^x
- Super PACs, which became funnels for outside spending after an appeals court applied *Citizens United*, collectively spent more than \$609 million during the 2012 election cycle. Overall outside spending topped \$1.29 billion.^{xi}
- In the 2012 election, the largest super PAC spent an astounding \$142 million.^{xii}
- The 2012 election was the most expensive in history, costing more than \$7 billion.^{xiii}



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Why a Constitutional Amendment

- A constitutional amendment is the long-term solution to fully reverse the court's ruling, restore our rights and assert that democracy is for people, not corporations.
- A corporation is not a person. It does not vote and should not have such tremendous influence over elections; nor should the ultra-wealthy.
- Our elected officials cannot support the well-being of society when they fear that millions of dollars of corporate money will go to defeating them in the next election if they defy corporate interests.
- A constitutional amendment ultimately is the only way to overcome the profound challenges to our democracy posed by the *Citizens United* and *McCutcheon* decisions.

Support is Growing Quickly for an Amendment

- **More than 5 million people** have signed petitions in support of an amendment. More than **200 members of Congress** have declared their support, including 55 members of the U.S. Senate, 54 of whom voted in favor of an amendment in September of 2014.
- More than 150 national organizations – groups concerned about civil rights, the environment, climate change, open government and workers' rights – have endorsed the call for a constitutional amendment (www.United4ThePeople.org).
- More than 600 local municipalities and 16 states – California, Connecticut, Colorado, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Montana, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, West Virginia – and the District of Columbia have called for an amendment.

ⁱ Lake Research Partners. "Recent Research on the Amendment to Overturn *Citizens United*." 14 Aug 2014. Web. 4 Dec 2014. <http://www.citizen.org/documents/Memo.CitizensUnited.frev.pdf>

ⁱⁱ Lake Research Partners. "Recent Research on the Amendment to Overturn *Citizens United*." 14 Aug 2014. Web. 4 Dec 2014. <http://www.citizen.org/documents/Memo.CitizensUnited.frev.pdf>

ⁱⁱⁱ Lake Research Partners. "Recent Research on the Amendment to Overturn *Citizens United*." 14 Aug 2014. Web. 4 Dec 2014. <http://www.citizen.org/documents/Memo.CitizensUnited.frev.pdf>

^{iv} Lake Research Partners. "Recent Research on the Amendment to Overturn *Citizens United*." 14 Aug 2014. Web. 4 Dec 2014. <http://www.citizen.org/documents/Memo.CitizensUnited.frev.pdf>

^v Associated Press, "The AP-National Constitution Center Poll," GfK Roper Public Affairs & Corporate Communications. 1 Aug 2012. Web. 4 Dec 2014. http://ap-gfkpoll.com/main/wp-content/uploads/2012/09/AP-NCC-Poll-August-GfK-2012-Topline-FINAL_1st-release.pdf

^{vi} American Sustainable Business Council "Poll Results: Money and Politics" 17 Jan 2012. Web. 18 January 2012 http://www.asbcouncil.org/poll_money_in_politics.html.

^{vii} "Outside Spending" Open Secrets, New York. 4 Dec 2014. Web. 4 Dec 2014. https://www.opensecrets.org/outsidespending/fes_summ.php

^{viii} "Estimated Cost of Election 2014." Open Secrets, New York. 4 Dec 2014. Web. 4 Dec 2014. <https://www.opensecrets.org/overview/cost.php>

^{ix} Olsen-Phillips, P., Choma, R., Bryner, S. & Weber, D. (4 Apr 2015) "The Political One Percent of the One Percent in 2014: Mega Donors Fuel Rising Cost of Elections." Open Secrets <http://www.opensecrets.org/news/2015/04/the-political-one-percent-of-the-one-percent-in-2014-mega-donors-fuel-rising-cost-of-elections>

^x Center for Responsive Politics, "Total Outside Spending by Election Cycle, Excluding Party Committees | OpenSecrets." Retrieved 22 April 2013 from: http://www.opensecrets.org/outsidespending/cycle_tots.php

^{xi} Center for Responsive Politics. "Outside Spending." Retrieved 22 April 2013 from: <http://www.opensecrets.org/outsidespending/index.php>.

^{xii} Center for Responsive Politics, "Restore Our Future" Retrieved 22 April 2013 from: <http://www.opensecrets.org/outsidespending/detail.php?cmte=C00490045&cycle=2012>

^{xiii} Harper, J. (31 Jan 2013) "Total Election Spending: \$7 Billion" *Sunlight Foundation* Retrieved March 1, 2013 from <http://reporting.sunlightfoundation.com/2013/total-2012-election-spending-7-billion/>



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