

Citizen Engagement Corner

Money in Politics

League of Women Voters of Brookline

In a 5-4 decision the U.S. Supreme Court ruled in January 2010 that corporations and unions have the same political speech rights as individuals under the First Amendment. It found no compelling government interest for prohibiting corporations and unions from using their general treasury funds to make election-related independent expenditures.

Since then, there has been much discussion around, protestations, and actions taken to overturn Citizens United. Massachusetts voters are among those who have taken specific steps. With the recent release of presidential candidates' fundraising results and public discussion around the appropriate size of political donations, it seems timely to have an update on the Massachusetts ballot proposal that would limit political and election spending.

Question 2 on the November 2018 ballot passed with an overwhelming 1,871,989 votes and a majority voting "yes" in every county in Massachusetts. It calls for creation of a 15-member nonpaid, bipartisan Citizens Commission to investigate and report on the effects Citizens United and other similar court cases have had in our politics. The initiative's passage affirms that it is the policy of the Commonwealth of Massachusetts to support a 28th Amendment to the U.S. Constitution to overturn Citizens United.

What progress has been made since this law came into effect on Jan. 1, 2019?

Almost 100 private citizens in the Commonwealth submitted applications to be members of the Citizens Commission by the April 1, 2019, deadline. Their applications are available for public review on the mass.gov website.

Appointments will be made by May 1, 2019 (three each by the governor, secretary of the Commonwealth, attorney general, speaker of the House and Senate president). Commission members will serve without compensation.

After conducting public forums and research, the commission will collaborate on a report of their findings to be completed by Dec. 31, 2019, and will be published with recommendations on how to best move forward toward a 28th Amendment. The report and recommendations will be delivered to the state officials who selected the members. Within five days of receipt, the secretary of the commonwealth is to deliver the Report and Recommendations to all current members of the General Court of Massachusetts, all current members of the U.S. Congress, and the president of the United States.

Congress has historically responded to public pressure from citizens to take action on amending the Constitution. To date, 19 states, either by ballot initiatives or actions by the state legislatures, have called for an amendment to the U.S. Constitution to get big money out of politics; citizens in other states are organizing to do likewise. Polling of citizens in red, purple and blue states indicate that a vast majority of Americans favor removing big money from politics.

A proposed constitutional amendment requires a two-thirds vote of both houses of Congress; it then must be ratified by three-fourths of state legislatures or three-fourths of state legislatures can call a special convention to propose an amendment that must be ratified by two-thirds of state legislatures.

For more information: <http://mass.gov/citizenscommission> and <http://peoplegovernnotmoney.org>.

Written by Livia Imada of the Brookline League. The League is a nonpartisan organization that encourages informed and active participation in government and that works to influence public policy through education and advocacy. All articles can be found at <https://brookline.wickedlocal.com/search?text=Citizen%20Engagement%20Corner&start=1>.