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Here are a few questions that are likely to be raised about the Protecting Wyoming Citizens' Voices resolution, and how we can answer them.

1. Doesn't this resolution violate the First Amendment rights of corporations?

No. Corporations are fictional entities and cannot "speak" at all. When people say corporations should have the right of "free speech," they claiming that corporations are people with the same political rights as human people. But corporations and other artificial entities are very different from people, have very different interests from people, and are designed as tools to facilitate commerce and economic activities. They are not designed for political speech. Political rights belong to humans, not non-human entities.

2. But corporations are people, aren't they? They are run by people, employ people, are owned by people. So shouldn't corporations as collections of people be allowed to speak?

The problem with that analogy is, what people are corporations claiming to speak for? The shareholders? In a large public corporation the shareholders are very diverse and disconnected from the day-to-day management of the corporation; they probably couldn't agree on what political stand the corporation should take even if they tried.

The employees of the corporation? Usually the employees have very different interests from the corporation itself. For example, employees probably want higher wages which might lower corporate profits. What the employees want to say likely would be different from what the corporation might want to say.

That leaves the corporate executives and board of directors to choose what the corporation "says." But those people have their own voices; they don't need the corporation to speak for them. We aren't trying to shut down the speech of those *individuals*.

3. By shutting down corporate speech, aren't you subtracting some voices from the marketplace of ideas that the First Amendment protects?

Not at all. Again, we need to discard the bad metaphor that corporations are people; they aren't. Corporations are tools, created by humans to do specific things. When corporate leaders try to use a corporation to "speak," they are really turning the corporation into a megaphone to amplify their own speech. And that is the problem: corporate speech can quickly become so loud and overpowering, when amplified by corporate money, that it drowns out the speech of ordinary citizens who don't have that tool. So our proposal actual *promotes* free speech for ordinary citizens, by shutting down the megaphones that drown our voices out.

4. Would the amendment you seek shut down all PACs?

The amendment we seek doesn't actually shut down anything, automatically. It just enables Congress and all of the state legislatures to enact reasonable campaign finance laws, by repealing the notion that "corporations are people" and "money is speech" (the two bad metaphors that underlie the Supreme Court's decision in *Citizens United*.) What those regulations will look like depends on what political compromises the various legislative bodies can work out, once they are freed from the restrictions of *Citizens United*. The amendment

we seek is a necessary first step in solving the problem of dark money, but would require further implementing legislation once the amendment is ratified.

5. Won't it be a nightmare for every state to have different rules for campaign finance?

No. Congress would still be able to create uniform national campaign finance rules for *federal* elections (Congress and President). The states would retain the right to create campaign finance rules for state and local elections. That's how our federal system works. And that is exactly what was happening right before *Citizens United* was decided.

6. Why is it necessary to amend the Constitution? Can't Congress just pass legislation to fix the problem?

No. *Citizens United* was a decision by the Supreme Court about what the First Amendment means. Since the Supreme Court is the final authority on what the Constitution means, any act of Congress or any state legislature which restricts donations by corporations or other non-human entities can be stricken down as unconstitutional by the Supreme Court, just as it struck down the McCain-Feingold Act in *Citizens United*.

7. But I thought *Citizens United* said that Congress could still enact disclosure requirements. Can't we just do that?

Yes, it is true that the Supreme Court allowed disclosure rules to stand, which is somewhat helpful. But that is insufficient. Would it be better to allow corporations to make multi-million dollar donations to specific candidates *and fully disclose the donations*, or would it be better to simply prohibit the donations altogether? We believe prohibiting the donations altogether would be much more effective, since corporations and other wealthy donors have gotten very creative in covering their tracks by using Super-PACs and other forms of organization that allow them to hide behind innocuous-sounding names like "Americans for Freedom."

8. Couldn't a constitutional convention run away and change the constitution in all sorts of crazy ways?

Our resolution is not asking for a convention of states. It only asks Congress to propose the amendment.

9. Wouldn't an amendment to the U.S. Constitution just give more power to Washington?

No, just the opposite. *Citizens United* actually gives more power to Washington by prohibiting states from enacting meaningful campaign finance reform laws. By effectively overruling that case, our proposed amendment frees every state to enact whatever campaign finance laws they feel are appropriate. The amendment, if ratified, significantly increases states' rights to control their own elections.

10. Isn't Wyoming Promise just a Democratic organization promoting a partisan agenda?

No. The Board of Directors of Wyoming Promise is evenly split between Democrats and Republicans, and operates independently of any other organization. But it does work with other national organizations who are working on this issue, including a Republican-leaning organization called Take Back Our Republic.

The problem of money in politics is cross-partisan. Nationally, Democratic-leaning groups have surpassed Republican-leaning organizations in dark money expenditures. Moreover, some of the worst dark-money abuses in Wyoming in the past several elections have been out-of-state, dark-money groups taking sides and spreading lies about candidates in the Republican primaries for several legislative offices and the Governor's race in 2018.

11. Still, I'm nervous about this. Amending the Constitution is a gigantic step, and something we should not do lightly.

Sure. It is extremely hard to amend the Constitution, and it should be. The rules are set up so that only things that have wide bipartisan support can possibly be enacted. Getting big and dark money out of politics *does* have that wide bipartisan support. Twenty-two states, including Montana and Alaska, have called for this amendment already. Most polls show voters support this effort by 75 to 90% margins.

Politics is an inherently human undertaking. It is how humans relate to each other. Corporations, which were created by humans to serve humans, must be subject to human control. In fact, Article X, section 2 of the Wyoming Constitution specifically holds that corporations are created by the people and must serve the public good and general welfare. When corporations use their vast wealth and power to drown out our human voices, they damage political discourse, and our politics are corrupted as a result, which is against “the public good and general welfare.” Our proposed amendment simply enforces Article X, section 2 of the Wyoming Constitution.

The Protecting Wyoming Citizens’ Voices resolution protects the right of Wyoming citizens to engage in political speech, and to have their voices heard. It thereby creates a far more robust, and diverse, “marketplace of ideas” out of which good political decisions can arise.