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## Information about “An Act to Promote Free and Fair Elections”

- The “corporations are people” metaphor allows corporations to inject vast sums of money into the political system
- The “money is speech” metaphor allows wealthy individuals to skirt campaign finance laws and contribute vast, untraceable funds into “dark money” operations
- Both of these metaphors are wrong. Corporations are not people; they are tools to help organize economic activity. And money is not speech, it is a megaphone to amplify the voices of those fortunate to have lots of money.
- The Wyoming Constitution clearly preserves rights only for members of the human race:
  - Article I, Sec. 1 of the Wyoming Constitution provides that “All power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness; for the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish the government in such manner as they may think proper.”
  - Article I, Sec. 2 of the Wyoming Constitution provides that “In their inherent right to life, liberty and the pursuit of happiness, all members of the human race are equal.” [Note that the words “human race” clearly and explicitly preserve political rights only for natural persons, giving no such protections to artificial persons such as corporations.]
  - Article I, Sec. 3 of the Wyoming Constitution provides that “Since equality in the enjoyment of natural and civil rights is only made sure through political equality, the laws of this state affecting the political rights and privileges of its citizens shall be without distinction of race, color, sex, or any circumstance or condition whatsoever...” [Corporations don’t have “race, color [or] sex,” so this provision cannot possibly apply to corporations.]
- The Wyoming Constitution also clearly allows the people to control and regulate corporations to promote the public good and general welfare:
  - Article X, Sec. 2 of the Wyoming Constitution provides that “All powers and franchises of corporations are derived from the people and are granted by their agent, the government, for the public good and general welfare, and the right and duty of the state to control and regulate them for these purposes is hereby declared.”

- *Citizens United*, which (among other cases) allows unlimited corporate spending in direct support of political candidates, was based on the Supreme Court's interpretation of the United States Constitution, specifically the First Amendment. It therefore cannot be overturned by a new Act of Congress; only a Constitutional amendment can clarify that the rights of corporations are subordinate to the rights of natural persons, and that corporate spending in the election process can be regulated or eliminated.
- Measures calling for such an amendment have been put to the voters in four states, including Montana and Colorado. Every time they have been put on the ballot, they have been adopted by very large margins. For example, in 2012 Montana voted by a significant margin in favor of Mitt Romney (who famously said "Corporations are people too, my friend.") A 28<sup>th</sup> Amendment measure was on that very same ballot, and passed by a margin of 75% to 25% in favor. (Colorado also adopted a similar measure, by a similar margin, that same year.)
- So far, 18 states have called on Congress to propose a 28<sup>th</sup> Amendment; most by resolution of the legislature, and four by citizens' initiative.
- This is a bipartisan issue. Former Wyoming Sen. Alan Simpson is strongly in favor of adopting such a resolution.
- The bottom line is this: We are not trying to harm corporations. Corporations are fine tools for economic activity. They are not appropriate tools for political activity, which should be the exclusive province of human beings.