

Rep. Carmine L. Gentile
13th Middlesex District
State House, Room 167
carmine.gentile@mahouse.gov

Contact: Ravi Simon
Legislative Aide
617-722-2810 (x8231)
ravi.simon@mahouse.gov

2023 “We the People” Resolution:
*H.3502/S.2319, Resolutions for a United States constitutional amendment
and a limited amendment proposing convention.*

Legislation Details:

- Calls for an amendment to the Constitution to affirm that only people (not corporations) have rights under the Constitution, and that Congress shall limit the influence of money in politics.
- Limits Massachusetts’ approval to an Article V convention for the exclusive purpose of proposing an amendment addressing concerns raised by *Citizens United v. Federal Election Commission*, *McCutcheon v. Federal Election Commission*, and related decisions. Congress cannot count Massachusetts’ application for an Article V convention unless it limits the convention to this topic.

General Background:

- *Citizens United* decision, now 13 years old (January 21, 2010), held that, “Political spending is a form of protected speech under the First Amendment, and the government may not keep corporations or unions from spending money to support or denounce individual candidates in elections. While corporations or unions may not give money directly to campaigns, they may seek to persuade the voting public through other means, including ads, especially where these ads were not broadcast.” (SCOTUSblog)
- Congress has failed to propose a Constitutional Amendment to reverse *Citizens United* and related decisions, despite requests by 19 states including Massachusetts to do so. The only other way to propose an amendment is for two thirds of the states to request an Article V convention. Historically, state convention applications have served to pressure Congress to propose needed amendments. No amendment can take effect without ratification by 38 states.
- 4 states (VT, CA, IL, RI) have passed similar resolutions and specifically called for the Article V Convention to be limited to one topic: overturning *Citizens United*.

Previous Session:

- Filed last session as H3658 An Act for a United States constitutional amendment and amendments convention.
 - H3658 had 51 co-sponsors including both Democrats and Republicans.
 - Reported favorably by committee on Veterans and Federal Affairs.
- Senate version of the bill, S2402, An Act for a United States constitutional amendment and amendments convention.
 - Reported favorably by Veterans and Federal Affairs and Committee on Rules

MORE INFORMATION AND FULL BILL TEXT AVAILABLE ON REQUEST