



# The Top 10 Talking Points to Help You Pass a Resolution Calling for a Constitutional Amendment to Restore Free and Fair Elections in America

## **1. Restoring Free and Fair Elections is a Winning Issue.**

96% of Americans in a recent poll support reducing “the influence of corruption in political elections.”<sup>1</sup> Most Americans want our elections to be free of the corrupting influence of excessive spending by outside interests and fair enough that any citizen can run for public office. We need a government of, for, and by the people, not bought and sold by billionaire businessmen and outside interests. Americans want elections, not auctions.

## **2. American Democracy is in Crisis.**

For the first time ever, our country is close to falling into the category of a “flawed democracy.”<sup>2</sup> A former U.S. President stated it bluntly, “America does not at the moment have a functioning democracy.”<sup>3</sup> Free and fair elections are in jeopardy and political outcomes are increasingly disconnected from popular opinion, as powerful outside interests have used obscene wealth to rig the economy and our government in their favor.<sup>4</sup>

## **3. Americans Know that Congress is Broken.**

Congress currently has the lowest approval rating ever at 9%<sup>5</sup>, which is lower than the King of England at the time of the Revolutionary War.<sup>6</sup> In a 2012 Gallup poll, nearly 90% of Americans said that the corruption of the federal government was one of their top 2 issues<sup>7</sup>, and a more recent Gallup poll in 2013 showed the dysfunction in government as America’s #1 issue (above the economy).<sup>8</sup> To most Americans, asking Congress to fix Congress is like asking cancer to cure cancer.

## **4. An Amendment is Required to Reclaim Representative Democracy.**

To restore free and fair elections, we must amend the U.S. Constitution, because the U.S. Supreme Court has rejected federal campaign finance law (*Citizens United v FEC*) and refused to hear state legislature’s objections to that ruling’s impact on state campaign finance law (*American Tradition Partnership v Bullock*). The only authority above the Supreme Court is the U.S. Constitution, and no law passed at the state or federal level can be protected without an amendment.

## **5. There are Two Paths to an Amendment in our Constitution.**

Either 2/3 of Congress can vote to propose an amendment or 2/3 of the States can demand a convention to propose an amendment; either way it’s proposed, ratification requires approval by 75% of the states prior to insertion in the U.S. Constitution.<sup>9</sup> With 20 Democratically-controlled legislatures and 27 Republican-controlled legislatures, only the most cross-partisan issues with near unanimous public support (such as free and fair elections) will make it through this ratification gauntlet.

<sup>1</sup> Represent.US National Voter Survey, 12/1/2013, MFour Research and Tulchin Research ([link](#))

<sup>2</sup> The Economist Intelligence Unit: Democracy Index 2012, Democracy at a standstill ([link](#))

<sup>3</sup> Riva, Alberto “Jimmy Carter: US ‘has no functioning democracy.’” *Salon* July 18, 2013 ([link](#))

<sup>4</sup> Callahan, David & J. Mijin Cha “Stacked Deck: How the Dominance of Politics by the Affluent & Business Undermines Economic Mobility in America” *DEMOS* February 2013 ([link](#))

<sup>5</sup> Newport, Frank “Congressional Approval Sinks to Record Low” *Gallup Politics* November 30, 2013

<sup>6</sup> “Loyalists, Fence-Sitters, & Patriots” Independence Hall Association ([link](#)); see also “Encyclopedia of the Age of Political Revolutions and New Ideologies, 1760-1815”, edited by Gregory Fremont-Barnes, Greenwood Press, 2007 (p. 436)

<sup>7</sup> Jones, Jeffrey “Americans Want Next President to Prioritize Jobs, Corruption.” *Gallup Politics* July 30, 2012 ([link](#))

<sup>8</sup> Newport, Frank “Dysfunctional Gov’t Surpasses Economy as Top U.S. Problem.” *Gallup Politics* October 9, 2013 ([link](#))

<sup>9</sup> Article V of the United States Constitution ([link](#))

**6. A Convention of the States is a Democratic Process.**

Bringing together a diversity of perspectives, discussing and deliberating potential solutions, and then distilling those ideas into a proposed amendment that is put forth for validation by the American population – that is how democracy is supposed to work in America. A convention is only a conversation, where elected citizens and appointed state and local elected officials serving as delegates will propose an idea for how we can restore free and fair elections in America.

**7. There is a Strong Precedent for a Single Issue Convention.**

With over 700 state applications calling for a convention of the states to address a variety of issues, there has never been a convention before because only applications on the same issue are counted together, which also means the scope of a convention is limited to that single subject matter. More than 233 states have held conventions to amend their constitutions, and none have ever exceeded the scope of their mandate (this is proof positive that the myth of the “runaway convention” is a conspiracy theory).

**8. Most Amendments Start with State Convention Calls.**

4 out of the previous 10 amendments as well as the Bill of Rights began with states applying for a convention to propose those amendments, which means that most amendments to the Constitution (14/27) have historically begun with state level campaigns to call a convention. Most famously, the 17<sup>th</sup> Amendment was proposed by Congress when the states got within 1-2 applications of calling for a convention. History shows us that when America needs an amendment we must call for a convention.

**9. This is the Constitutional Safeguard for Representative Democracy.**

The convention process is one of the vital checks and balances included in the original Constitution, which was included by the Framers in case Congress ever became corrupted and detached from the will of the American people. In his closing argument in the Federalist Papers (No. 85), James Madison sells the Constitution to the ratifying states on the basis that they retain ultimate political control through the use of the convention process. The original ratification of our U.S. Constitution may have never happened without the inclusion of the convention process as a safeguard for representative democracy.

**10. Every Generation of Americans has Amended the Constitution (now, it's our turn!).**

The Constitution of the United States has previously been amended 27 times, and once by every generation of Americans. We currently live in one of the longest stretches of time between amendments since the founding of our country. Previous generations of reformers who came before us, such as the Suffragists and Abolitionists, proved capable of accomplishing this historic feat. Now, it's our generation's greatest responsibility to remove the cancer of private money from public elections, erect a wall of separation between wealth and state, and restore free and fair elections for future generations of Americans.

*\* The Top 10 Talking Points recommended here are informed by historical research, the legal opinions of constitutional scholars, public opinion research, and interactions with state legislators in 30+ states around the country. For further advice and recommendations on how to deal with specific objections, please email [takeaction@wolf-pac.com](mailto:takeaction@wolf-pac.com) or call 747.224.9653. Thank you for joining the fight for free and fair elections!*