

# HOUSE BILL REPORT

## HJM 4000

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### As Passed House:

February 17, 2016

**Brief Description:** Asking congress to call a limited convention, authorized under Article V of the United States Constitution, for the purpose of proposing a free and fair elections amendment to that Constitution.

**Sponsors:** Representatives Reykdal, Orwall, Stanford, Riccelli, Ormsby, Farrell and Pollet.

### Brief History:

#### Committee Activity:

State Government: 1/22/15, 2/2/16, 2/4/16 [DP].

#### Floor Activity:

Passed House: 2/17/16, 52-46.

### Brief Summary of Bill

- Requests Congress to call a constitutional convention.

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## HOUSE COMMITTEE ON STATE GOVERNMENT

**Majority Report:** Do pass. Signed by 4 members: Representatives S. Hunt, Chair; Bergquist, Vice Chair; Frame and Moscoso.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Hawkins.

**Staff:** Sean Flynn (786-7124).

### Background:

#### Constitutional Conventions.

The United States Constitution Article V provides two ways for amending the Constitution. The first method allows Congress to propose an amendment that is approved by a two-thirds vote in the House and Senate. The second method requires Congress to call a constitutional convention to propose amendments when requested by two-thirds of the state legislatures.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Any amendment proposed under either method is adopted only if ratified by three-fourths of the state legislatures.

#### Campaign Finance and Protected Speech.

Political speech is protected as a fundamental right under the First Amendment to the federal Constitution. The government may only regulate political speech if there is a compelling governmental interest in limiting or restricting that right.

Federal law provides a comprehensive regulatory system over the financing of political election campaigns, mainly enacted through the Federal Elections Campaign Act of 1971 and the Bipartisan Campaign Reform Act (BCRA) of 2002, also known as "McCain-Feingold." These laws generally regulate the contributions and expenditures made in political campaigns as well as the public disclosure of those activities.

The United States Supreme Court (Court) has considered the constitutionality of these campaign finance laws in a number of cases. Recently, in *Citizens United v. Federal Elections Commission*, decided in 2010, the Court struck down a major part of the BCRA that restricted the use of corporate or union general treasury funds to pay for independent political advertisements. That decision overruled previous decisions upholding such restrictions and determined that corporate and union spending on independent political advocacy is protected as free speech and cannot be banned. In 2014 the Court decided *McCutcheon v. Federal Elections Commission*, which struck down another part of the BCRA that limited the aggregate amount of political contributions an individual could make in a two-year period.

#### **Summary of Bill:**

The Legislature requests Congress to call a constitutional convention for the purpose of proposing amendments to the Constitution. The Legislature sees the need for a convention to address concerns regarding the decision in *Citizens United v. Federal Elections Commission* and related cases.

**Appropriation:** None.

**Fiscal Note:** Not requested.

#### **Staff Summary of Public Testimony:**

(In support) Our federal campaign finance regulation system is broken. There is too much money influencing politics. Enforcing contribution limits is essential to even the playing field in political campaigns. Campaign limits also help to reduce political corruption which can breed apathy. The problems with the campaign finance laws cannot be fixed by Congress because the Supreme Court can strike down laws depending on its own interpretation of the Constitution.

The ratification process ensures that only the most popular and vetted issues will become amendments. This call for a convention is part of a national movement to effectively by-pass Congress and directly fix the problems with election campaign regulations. This amendment

is necessary to protect fair and free elections. Federal officials must spend a significant amount of time raising election funds.

(Opposed) None.

**Persons Testifying:** Representative Reykdal, prime sponsor; John Ahern; Ryan Clayton, Wolf Political Action Committee; Celice Carlough; Jameson Doane; and Sarah Steever.

**Persons Signed In To Testify But Not Testifying:** None.