

# SENATE BILL REPORT

## SJM 8002

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As of February 19, 2013

**Brief Description:** Requesting an amendment to the United States Constitution to return the authority to regulate election campaign contributions to congress and state legislatures.

**Sponsors:** Senators Kline, Kohl-Welles, Billig, Rolfes, Nelson, Harper, Darneille, McAuliffe, Hargrove and Frockt.

**Brief History:**

**Committee Activity:** Governmental Operations: 2/05/13.

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### SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

**Staff:** Samuel Brown (786-7470)

**Background:** In 1972, the passage of Initiative 276 created the Public Disclosure Commission (PDC) and required the disclosure of financial and other information by public officials, candidates, and others. In 1992, a second initiative, Initiative 134, imposed contribution limits on elections for statewide and legislative office and other restrictions on fundraising and independent campaign expenditures. The PDC implements and enforces both initiatives and other state laws affecting campaign financing and disclosure of campaign contributions.

There are a series of federal laws affecting campaign finance and disclosure. The Federal Election Campaign Act, adopted in 1971 and amended in 1974, prohibits foreign contributions and expenditures in federal, state, and local elections. The Bipartisan Campaign Reform Act (BCRA), sometimes referred to as the McCain-Feingold Act after its sponsors and enacted in 2002, extended prohibitions on the use of corporate general treasury funds to prohibit their use in electioneering communications. The BCRA also contains disclaimer and disclosure requirements. The Federal Election Commission implements and enforces federal campaign finance and disclosure law.

In *Citizens United v. Federal Election Commission*, the United States Supreme Court held that the government may regulate corporate political speech through disclaimer and disclosure requirements, but it may not suppress that speech altogether. As a result, corporations and labor organizations are no longer subject to bans on independent spending and the use of general treasury funds for federal campaign advertising.

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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.*

**Summary of Bill:** The Legislature requests that Congress pass and send to the states for ratification a constitutional amendment returning the authority to regulate campaign financing to Congress and state legislatures.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Staff Summary of Public Testimony:** PRO: This is a bipartisan attempt to keep our country from being inundated with political advertisements that drown out the popular voice. It is one thing for us to know our country is being bought, it is another to not know who is buying it, and that is the situation here. This is not a right-wing or left-wing issue. *Citizens United* turned back 100 years of precedent of states being able to control campaign spending. The system favors anonymous donors over an informed electorate. Momentum is building – 11 states and 600 counties nationwide have passed similar resolutions, including ten communities and three counties in Washington. The explosion of political contributions and expenditures is a source of disillusionment and something people believe is corrupting our democracy. Corporations and unions are legal entities, money is not speech, and human beings, not corporations, are entitled to constitutional rights. Any constitutional amendment should be carefully worded to avoid unintended consequences. Unlimited corporate spending in elections eliminates the ability of real people to make a change in our democracy and creates an unequal balance of power between people and corporations. We need to take money out of our political system because it makes it hard for elected officials to support the well-being of society. People are not voting because they think the system is rigged. Individual people need to feel like they have an equal chance to influence an election. Legislators have to live under the threat that their vote might cause someone who is not constrained by campaign finance rules to conduct a large financial campaign against them. The 501(c)(4)s do not have to disclose their donors. Corporations shower decision makers with money, especially when a law that pertains to them comes up. Whatever happened to elections funded by the people who live in the jurisdictions? Seven constitutional amendments have reversed Supreme Court decisions.

**Persons Testifying:** PRO: Senator Kline, prime sponsor; Micaela Preskill, WashPIRG; Ted Hensold, Spokane Moves to Amend the Constitution; Jim Street, WA Coalition to Amend the Constitution (WAMEND); Janet Winans, League of Women Voters of Seattle/King County; Oske Buckley, Arielle Davis, Free Speech for People; Ken Dammand, WA Public Campaigns, WAMEND; Jackie Aase, Oske Buckley, Steve Hamm, Michael Savoca, Seth Armstrong, citizens.