
State Government Committee

HJM 4000

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.

<p>Brief Summary of Bill</p> <ul style="list-style-type: none">• Requesting Congress to call a constitutional convention.
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Hearing Date: 1/22/15

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. 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. 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 though the Federal Elections Campaign Act of 1971 and the

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Bipartisan Campaign Reform Act of 2002, (BCRA) 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 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 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.