

SENATE BILL REPORT

SJM 8015

As of February 3, 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: Senators Takko, Nelson, Conway, Rolfes and Frockt.

Brief History:

Committee Activity: Government Operations & Security: 1/18/16.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

Staff: Samuel Brown (786-7470)

Background: Campaign Finance. There are a series of federal laws regulating the financing of political campaigns and disclosure of campaign contributions. Two primary examples are the Federal Election Campaign Act, enacted in 1971, and the Bipartisan Campaign Reform Act (BCRA), enacted in 2002.

The United States Supreme Court has considered the constitutionality of aspects of these laws on numerous occasions. While provisions requiring disclosure have been upheld, recent opinions have found provisions limiting amounts individuals or entities may contribute to violate constitutional free speech protections. In the 2010 case of *Citizens United v. Federal Election Commission*, the Court struck down a BCRA provision prohibiting the use of corporate or union general treasury funds to pay for independent political advertisements. In 2014, the Court found that a BCRA provision limiting the aggregate amount an individual can contribute to congressional elections during an election cycle violated the First Amendment in the case of *McCutcheon v. Federal Election Commission*.

Constitutional Amendment Process. Under Article V of the United States Constitution, there are two methods for amending the Constitution:

1. Congress may propose an amendment if approved by a two-thirds vote in both the House and Senate.
2. Congress must call a constitutional convention to propose amendments when requested by two-thirds of state legislatures.

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 must be ratified by three-fourths of state legislatures to take effect.

Legislatures in Vermont and California have approved resolutions requesting that Congress call a convention to amend the Constitution in response to the Supreme Court's opinion in *Citizens United v. Federal Election Commission*.

Summary of Bill: The Legislature requests that Congress call a convention for the purpose of amending the Constitution on the issue of campaign finance and political spending as soon as two-thirds of the states have submitted requests for a constitutional convention.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Staff Summary of Public Testimony: PRO: *Citizens United* said that money is free speech, and a limited constitutional convention is necessary to get the conversation about how to address that started. If we're going to make real change in the country on any issue, we need to start with money in politics. The Supreme Court took a wrecking ball to the separation between money and government. This is not seeking a cookie-cutter solution, just a conversation so everyone can have their voices heard. It's not a left or right issue, but an American issue. We want younger generations to vote and try and change the world for the better. Seeking a constitutional convention is a proven way to get things done -- look at the 17th Amendment. The only way for us to live up to our ideals is to make our elections free of corrupting influence of money and fair enough so that anyone can run for public office. The country is becoming more apathetic about the political process. It is our duty to fix it. There is legislation in Congress on this issue, but it won't be brought up for a vote.

Persons Testifying: PRO: Senator Takko, prime sponsor; Alison Hartson, Jeff Eidsness, Jameson Doane, Karen Gadwell, Celice Carlough, Martin Talarico, Wolf-PAC; Sarah Steever, Jeffrey Kaiser, citizens.

Persons Signed In To Testify But Not Testifying: No one.