
State Government Committee

HJM 4004

Brief Description: Calling on Congress to exercise its authority under Article V of the United States Constitution to regulate money spent on elections.

Sponsors: Representatives Wylie, Tarleton, Lytton, S. Hunt, Van De Wege, Kirby, Sawyer, Riccelli, Robinson, Moscoso, Hurst, Jenkins, Farrell, Walkinshaw, Gregerson, Cody, Sells, Peterson, Takko, Appleton, Goodman, Kilduff, Moeller, Carlyle, Morris, Tharinger, Fitzgibbon, Bergquist, Stanford, Dunshee, Pollet, Fey, Reykdal and Ormsby.

<p>Brief Summary of Bill</p> <ul style="list-style-type: none">• Requesting Congress to propose a constitutional amendment to provide increased legislative authority over campaign election spending.

Hearing Date: 2/18/15

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 must be 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 regulate political speech only if there is a compelling governmental interest in limiting or restricting that right.

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.

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 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. 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 held 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 propose an amendment to the Constitution that would provide Congress and the states the authority to regulate campaign contributions and independent expenditures, to prohibit artificial entities created by law from spending money to influence elections, and to require timely disclosure of the sources and amounts of election contributions.

Appropriation: None.

Fiscal Note: Not requested.