

HOUSE BILL REPORT

HJM 4004

As Reported by House Committee On:
State Government

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, Jinkins, Farrell, Walkinshaw, Gregerson, Cody, Sells, Peterson, Takko, Appleton, Goodman, Kilduff, Moeller, Carlyle, Morris, Tharinger, Fitzgibbon, Bergquist, Stanford, Dunshee, Pollet, Fey, Reykdal and Ormsby.

Brief History:

Committee Activity:

State Government: 2/18/15, 2/19/15 [DP].

Brief Summary of Bill

- Requesting Congress to propose a constitutional amendment to provide increased legislative authority over campaign election spending.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass. Signed by 4 members: Representatives S. Hunt, Chair; Bergquist, Vice Chair; Appleton and Gregory.

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 Amendment.

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

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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.

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 the Legislature 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.

Staff Summary of Public Testimony:

(In support) Billions of dollars are spent on election campaigns, which is rising faster than college tuition, medical care, and the gross domestic product. There is a money arms race that threatens the foundation of representative democracies. Public cynicism about the political corruption is increasing due to the amount of money in politics. Citizens are upset

and eager to change the law, but feel disempowered in the political process because of the influence of money. Thirty-five million people failed to vote in our last election. It is important to restore public faith in democracy for our children and future generations.

A constitutional amendment is required to rectify bad policy implemented by the Supreme Court, which has equated money with protected speech. Reasonable regulations must be placed on corporations and wealthy interests that can dominate political speech and effectively silence other voices. Money is not speech and must be regulated in politics to level the playing field.

(Opposed) None.

Persons Testifying: Alice Woldt and Seth Armstrong, Fix Democracy First; Michael Savoca, Move to Amend-Olympia; Libby Carr, WAmend and Evergreen Democratic Club; Annie Phillips, Fix Democracy First and WAmend; and Piper Day and Toni Stefnik, WAmend.

Persons Signed In To Testify But Not Testifying: None.