

---

## State Government Committee

---

### HI 735

**Brief Description:** Objecting to the influence of corporations and money in our political system.

#### Brief Summary of Bill

- Requests the state congressional delegation to propose an amendment to the United States Constitution regarding campaign finance law reform.
- Requests the state to ratify the constitutional amendment once passed by Congress.

**Hearing Date:** 2/2/16

**Staff:** Sean Flynn (786-7124).

#### **Background:**

##### Constitutional Conventions.

The United States Constitution (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. The 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 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.

---

*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.*

The United States Supreme Court (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 as 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 voters of the state of Washington request the Washington congressional delegation to propose a constitutional amendment to Congress that provides the following:

- The rights enumerated in the Constitution are for individual persons.
- The judiciary may not interpret the First Amendment of the Constitution, protection of free speech, to include the spending of money.
- Government is fully empowered to regulate campaign financing to protect against undue influence over government and the political process, and that all political contributions and expenditures must be disclosed prior to an election.
- The proposed amendment does not limit the people's First Amendment rights.

The voters request the state to ratify this constitutional amendment once it is passed by Congress. The Secretary of State is directed to distribute this act, upon enactment, to the Governor, all state legislators, Congress, and the President. This act is called the "Government of, by, and for the People Act."

**Appropriation:** None.

**Fiscal Note:** Not requested.