

SENATE BILL REPORT

SI 735

As of February 10, 2016

Title: An act relating to the influence of corporations and money in our political system.

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

Sponsors: People of the State of Washington.

Brief History:

Committee Activity: Government Operations & Security: 2/11/16.

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 *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 the 2014 case *McCutcheon v. Federal Election Commission*, 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.

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.

Summary of Bill: The voters request that Washington's congressional delegation propose a constitutional amendment providing the following:

- Constitutionally enumerated rights apply only to individual persons.
- Spending money is not free speech protected under the First Amendment. Government is fully empowered to regulate campaign finance to ensure no person or entity gains undue influence over government and the political process.
- All political contributions and expenditures must be disclosed before an election in an accessible manner.
- The proposed amendment does not limit the people's First Amendment rights.

The voters further request that such an amendment be ratified upon delivery to the state after passage by Congress.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.