

House Joint Resolution 8 - Introduced

HOUSE JOINT RESOLUTION 8
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HOUSE JOINT RESOLUTION

1 A Joint Resolution requesting the call of a constitutional
2 convention in order to propose an amendment to the
3 Constitution of the United States to allow Congress and the
4 states to prohibit or otherwise regulate the expenditure
5 of funds for political speech by any corporation, limited
6 liability company, or other corporate entity.
7 WHEREAS, by a ruling of the United States supreme court,
8 a corporation, limited liability company, or other type of
9 corporate entity is now accorded greater rights of political
10 activity than was previously lawful; and
11 WHEREAS, those rights now allow a corporation, a limited
12 liability company, or other type of corporate entity to use
13 general treasury funds to make independent expenditures for
14 electioneering communications or for speech that expressly
15 advocates the election or defeat of a candidate for public
16 office; and
17 WHEREAS, this ruling overturns a century of legislative
18 and judicial determinations making a distinction between the
19 political free speech of natural persons and political activity
20 by corporate entities; and
21 WHEREAS, a corporate entity has far greater economic
22 resources than does a natural person and may use those
23 resources to advance political ideas; and
24 WHEREAS, restriction and regulation of corporate political
25 activity is essential to prevent domination of the political
26 process by corporate entities; NOW THEREFORE,
27 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 That pursuant to Article V of the Constitution of the United
2 States, the general assembly, as the legislature of the state
3 of Iowa, makes application to the Congress of the United States
4 to call a convention for the specific and exclusive purpose
5 of proposing the amendment to the Constitution of the United
6 States as set out in this Joint Resolution, for submission to
7 the states for ratification.

8 BE IT FURTHER RESOLVED, That if, within sixty days after the
9 legislatures of two-thirds of the states make application for
10 such convention, Congress proposes and submits to the states
11 for ratification an amendment to the Constitution of the United
12 States which empowers Congress and the states to regulate the
13 expenditure of funds for political speech by any corporation,
14 limited liability company, or other corporate entity, in a
15 manner substantially similar to the manner contained in this
16 Joint Resolution, then this application for a convention shall
17 no longer be of any force and effect.

18 BE IT FURTHER RESOLVED, That if the convention is not
19 limited to the specific and exclusive purposes of this Joint
20 Resolution, this application and request shall be null and
21 void, and shall be rescinded and of no effect.

22 BE IT FURTHER RESOLVED, That this application constitutes
23 a continuing application in accordance with Article V of the
24 Constitution of the United States, until at least two-thirds
25 of the legislatures of the several states have made application
26 for a similar convention under Article V, or the Congress has
27 proposed the amendment called for by this Joint Resolution, or
28 the general assembly acts to withdraw this application.

29 "ARTICLE

30 SECTION 1. The sovereign right of the people to govern
31 being essential to a free democracy, Congress and the states
32 may prohibit or otherwise regulate the expenditure of funds for
33 political speech by any corporation, limited liability company,
34 or other corporate entity.

35 SEC. 2. Nothing contained in this article shall be construed

1 to abridge the freedom of the press.”; and

2 BE IT FURTHER RESOLVED, That the secretary of state
3 shall transmit certified copies of this Joint Resolution
4 to the president and secretary of the United States
5 senate, the speaker and clerk of the United States house of
6 representatives, the presiding officer in each house of the
7 legislature in each of the states in the union, and each member
8 of the Iowa congressional delegation.

9

EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation’s substance by the members of the general assembly.

12 This joint resolution constitutes a petition requesting the
13 United States Congress to call a constitutional convention in
14 order to propose an amendment to the Constitution of the United
15 States and submit it to the states to allow Congress and the
16 states to prohibit or regulate the expenditure of funds for
17 political speech by any corporation, limited liability company,
18 or other corporate entity.

19 The resolution functions as an application to the Congress
20 of the United States to call a convention for the specific and
21 exclusive purpose of proposing such an amendment for submission
22 to the states for ratification. Under the resolution, if
23 Congress proposes and submits a substantially similar amendment
24 to the states for ratification, then the resolution will no
25 longer be of any force and effect. Also under the resolution,
26 if the convention is not limited to the specific and exclusive
27 purposes of the resolution, then the application and request is
28 null and void, and is rescinded and of no effect.

29 The resolution constitutes a continuing application in
30 accordance with Article V of the Constitution of the United
31 States until at least two-thirds of the legislatures of states
32 have made application for a similar convention, Congress has
33 proposed the amendment contained in the resolution, or the
34 general assembly resolves to withdraw the application.