

Senate Joint Resolution 5 - Introduced

SENATE JOINT RESOLUTION 5
BY BOLKCOM and KINNEY

SENATE 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 of
5 proposing an amendment to the Constitution of the United States
6 as set forth in substance in this 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 relating to corporate political speech and submit it to
16 the states for ratification.

17 The joint resolution also provides that it shall serve
18 as a continuing application to call a constitutional
19 convention, until at least two-thirds of the legislatures
20 of the several states have made application for a similar
21 convention or the Congress has proposed the amendment called
22 for by this joint resolution. The joint resolution requires
23 that if Congress proposes and submits to the states for
24 ratification an amendment to the Constitution of the United
25 States substantially similar to the amendment set forth in
26 this resolution within 60 days after the requisite number of
27 legislatures make application for a constitutional convention,
28 then this state's application for a convention shall no longer
29 have any force and effect. The joint resolution provides that
30 the general assembly may withdraw this application.

31 The joint resolution provides that if the constitutional
32 convention is not limited to the specific and exclusive
33 purposes of the resolution, that the application and request
34 shall be null and void, and shall be rescinded and of no
35 effect.

1 The proposed amendment to the Constitution of the United
2 States contained in the joint resolution would specifically
3 allow Congress and the states to prohibit or regulate the
4 expenditure of funds for political speech by any corporation,
5 limited liability company, or other corporate entity.

6 The joint resolution requires the Secretary of State to
7 transmit certified copies of this resolution to the President
8 and Secretary of the United States Senate, the Speaker and
9 Clerk of the United States House of Representatives, the
10 presiding officer in each house of the legislature in each
11 of the states in the union, and to each member of the Iowa
12 congressional delegation.