

AMENDED IN ASSEMBLY AUGUST 26, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

Assembly Joint Resolution

No. 1

Introduced by Assembly Member Gatto

December 3, 2012

Assembly Joint Resolution No. 1—Relative to a federal constitutional convention.

LEGISLATIVE COUNSEL'S DIGEST

AJR 1, as amended, Gatto. Federal constitutional convention: application.

This measure would constitute an application to the United States Congress to call a constitutional convention pursuant to Article V of the United States Constitution for the sole purpose of proposing an amendment to the United States Constitution that would limit corporate personhood for purposes of campaign finance and political speech and would further declare that money does not constitute speech and may be ~~democratically~~ *legislatively* limited.

This measure would state that it constitutes a continuing application to call a constitutional convention until at least $\frac{2}{3}$ of the state legislatures apply to the United States Congress to call a constitutional convention for that sole purpose. This measure would also state that it is an application for a limited constitutional convention and does not grant Congress the authority to call a constitutional convention for any purpose other than for the sole purpose set forth in this measure.

Fiscal committee: no.

- 1 *WHEREAS, Corporations are legal entities that governments*
- 2 *create and the rights that they enjoy under the United States*

1 *Constitution should be more narrowly defined than the rights*
2 *afforded to natural persons; and*

3 *WHEREAS, Corporations do not vote in elections and should*
4 *not be categorized as persons for purposes related to elections for*
5 *public office and ballot measures; and*

6 *WHEREAS, The United States Supreme Court, in Citizens*
7 *United v. Federal Election Commission (2010) 130 S.Ct. 876, held*
8 *that the government may not, under the First Amendment to the*
9 *United States Constitution, suppress political speech on the basis*
10 *of the speaker’s corporate identity; and*

11 *WHEREAS, Article V of the United States Constitution requires*
12 *the United States Congress to call a constitutional convention upon*
13 *application of two-thirds of the legislatures of the several states*
14 *for the purpose of proposing amendments to the United States*
15 *Constitution; now, therefore, be it*

16 *Resolved by the Assembly and the Senate of the State of*
17 *California, jointly, That the Legislature of the State of California,*
18 *speaking on behalf of the people of the State of California, hereby*
19 *applies to the United States Congress to call a constitutional*
20 *convention pursuant to Article V of the United States Constitution*
21 *for the sole purpose of proposing an amendment to the United*
22 *States Constitution that would limit corporate personhood for*
23 *purposes of campaign finance and political speech and would*
24 *further declare that money does not constitute speech and may be*
25 *democratically-legislatively limited; and be it further*

26 *Resolved, That this constitutes a continuing application to call*
27 *a constitutional convention pursuant to Article V of the United*
28 *States Constitution until at least two-thirds of the legislatures of*
29 *the several states apply to the United States Congress to call a*
30 *constitutional convention for the sole purpose of proposing an*
31 *amendment to the United States Constitution that would limit*
32 *corporate personhood for purposes of campaign finance and*
33 *political speech and would further declare that money does not*
34 *constitute speech and may be democratically legislatively limited;*
35 *and be it further*

36 *Resolved, That this application is for a limited constitutional*
37 *convention and does not grant Congress the authority to call a*
38 *constitutional convention for any purpose other than for the sole*
39 *purpose set forth in this resolution; and be it further*

1 *Resolved*, That the Chief Clerk of the Assembly transmit copies
2 of this resolution to the President and Vice President of the United
3 States, the Speaker of the House of Representatives, the Minority
4 Leader of the House of Representatives, the Majority Leader of
5 the United States Senate, the Minority Leader of the United States
6 Senate, and to each Senator and Representative from California
7 in the Congress of the United States.

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