

**Assembly Joint Resolution**

**No. 1**

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**Introduced by Assembly Member Gatto**

December 3, 2012

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

LEGISLATIVE COUNSEL'S DIGEST

AJR 1, as introduced, 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 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, The United States Supreme Court in Citizens
- 2 United v. Federal Election Commission (2010) 130 S.Ct. 876 held
- 3 that the government may not, under the First Amendment to the

1 United States Constitution, suppress political speech on the basis  
2 of the speaker's corporate identity; and

3 WHEREAS, Article V of the United States Constitution requires  
4 the United States Congress to call a constitutional convention upon  
5 application of two-thirds of the legislatures of the several states  
6 for the purpose of proposing amendments to the United States  
7 Constitution; now, therefore, be it

8 *Resolved by the Assembly and the Senate of the State of*  
9 *California, jointly,* That the Legislature of the State of California  
10 hereby applies to the United States Congress to call a constitutional  
11 convention pursuant to Article V of the United States Constitution  
12 for the sole purpose of proposing an amendment to the United  
13 States Constitution that would limit corporate personhood for  
14 purposes of campaign finance and political speech and would  
15 further declare that money does not constitute speech and may be  
16 democratically limited; and be it further

17 *Resolved,* That this constitutes a continuing application to call  
18 a constitutional convention pursuant to Article V of the United  
19 States Constitution until at least two-thirds of the legislatures of  
20 the several states apply to the United States Congress to call a  
21 constitutional convention for the sole purpose of proposing an  
22 amendment to the United States Constitution that would limit  
23 corporate personhood for purposes of campaign finance and  
24 political speech and would further declare that money does not  
25 constitute speech and may be democratically limited; and be it  
26 further

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

31 *Resolved,* That the Chief Clerk of the Assembly transmit copies  
32 of this resolution to the President and Vice President of the United  
33 States, the Speaker of the House of Representatives, the Minority  
34 Leader of the House of Representatives, the Majority Leader of  
35 the United States Senate, the Minority Leader of the United States  
36 Senate, and to each Senator and Representative from California  
37 in the Congress of the United States.

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