

REFERENCE TITLE: campaign finance; state authority

State of Arizona
House of Representatives
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Introduced by
Representative Fink

A CONCURRENT MEMORIAL

URGING THE CONGRESS OF THE UNITED STATES OF AMERICA TO AMEND THE
CONSTITUTION TO ALLOW STATES TO REGULATE AND LIMIT CAMPAIGN FINANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 To the Congress of the United States of America:

2 Your memorialist respectfully represents:

3 Whereas, the Constitution of Arizona recognizes that "[a]ll
4 political power is inherent in the people, and governments derive their
5 just powers from the consent of the governed"; and

6 Whereas, article VII, section 16 of the Constitution of Arizona
7 recognizes the public's compelling interest in knowing the sources of
8 spending in campaigns, provided that "[t]he legislature, at its first
9 session, shall enact a law providing for a general publicity, before and
10 after election, of all campaign contributions to, and expenditures of
11 campaign committees and candidates for public office"; and

12 Whereas, the Tenth Amendment to the United States Constitution
13 affirms that any powers not delegated to the federal government are
14 reserved to the states or the people reinforcing the principle of
15 federalism; and

16 Whereas, the states have long served as laboratories of democracy,
17 uniquely positioned to establish election laws and policies that reflect
18 the needs and interests of their citizens; and

19 Whereas, the people of Arizona have compelling sovereign interests
20 in fostering robust political debate and self-government, protecting the
21 free speech interests of all individuals, securing liberty and political
22 equality of Arizona's citizens, guarding against corruption and advancing
23 federalism; and

24 Whereas, a robust system of state-led election governance
25 strengthens self-government, promotes accountability and preserves the
26 integrity of the electoral process by ensuring that the people of each
27 state determine how best to protect their representation and participation
28 in democratic processes; and

29 Whereas, the framers of the United States Constitution recognized
30 the role of the states in structuring election laws and mechanisms,
31 understanding that a one-size-fits-all federal approach is neither
32 necessary nor desirable; and

33 Whereas, the people of Arizona and other states have a vested
34 interest in ensuring that their electoral processes remain responsive to
35 their needs and are free from disproportionate influence by entities or
36 individuals that may not reflect the priorities of the electorate; and

37 Whereas, contrary to the original meaning of the First Amendment,
38 over the past five decades the Supreme Court of the United States has
39 gradually come to equate unlimited election spending with free speech, and
40 this judicial activism has interfered with the power of states to decide
41 how best to structure and safeguard their elections; and

42 Whereas, the principle of self-governance requires that states
43 retain the ability to establish laws governing the influence of money in
44 elections, particularly the recent influence of foreign money, consistent
45 with their unique circumstances and policy considerations; and

1 Whereas, the constitutional amendment process provides an avenue for
2 reaffirming the role of the states in overseeing elections and ensuring
3 that their authority in this realm is preserved.

4 Wherefore, your memorialist, the House of Representatives of the State of
5 Arizona, the Senate concurring, prays:

6 1. That the United States Congress uphold the principles of
7 federalism and be the proponents of appropriate action, including a
8 constitutional amendment, that affirms the authority of the states to
9 govern their election processes and establishes the ability of the states
10 to enact policies regarding campaign finance and election influence.

11 2. That the Secretary of State of the State of Arizona transmit
12 copies of this Memorial to the Speaker and the Minority leader of the
13 United States House of Representatives, the President and the Minority
14 Leader of the United States Senate and each Member of Congress from the
15 State of Arizona.