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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE RESOLUTION

No. 170 Session of  
2015

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INTRODUCED BY COSTA, LEACH, FONTANA, TEPLITZ, YUDICHAK, BLAKE,  
FARNESE, ARGALL, McILHINNEY, WOZNIAK AND DINNIMAN,  
JULY 23, 2015

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REFERRED TO STATE GOVERNMENT, JULY 23, 2015

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A CONCURRENT RESOLUTION

1 Calling for a Free and Fair Elections Amendment to the  
2 Constitution of the United States via a Convention of the  
3 States, pursuant to Article V of the Constitution of the  
4 United States, which would authorize the states to apply  
5 disclosure rules and reasonable guidelines on election  
6 campaign contributions and expenditures.

7 WHEREAS, Our first President, George Washington, declared in  
8 his 1796 farewell address: "The basis of our political systems  
9 is the right of the people to make and to alter their  
10 Constitutions of Government," and it was the clear intention of  
11 the framers of the Constitution of the United States, as noted  
12 by James Madison in Federalist No. 52, that the Congress of the  
13 United States should be "dependent on the people alone"; and

14 WHEREAS, The articles of the Constitution of the United  
15 States guarantee the right of the people to govern themselves,  
16 the Bill of Rights contained in the first amendments to the  
17 Constitution of the United States protects the inalienable  
18 rights of the people, and the Declaration of Independence states  
19 that "to secure these rights, Governments are instituted among

1 Men, deriving their just powers from the consent of the  
2 governed"; and

3 WHEREAS, The Tenth Amendment to the Constitution of the  
4 United States provides: "The powers not delegated to the United  
5 States by the Constitution, nor prohibited by it to the States,  
6 are reserved to the States respectively, or to the people"  
7 which, until 2010, had consistently been interpreted to allow  
8 the several states to establish their own laws governing the  
9 financing of elections; and

10 WHEREAS, Prior to 2010, the Commonwealth of Pennsylvania had  
11 consistently exercised its legal authority to mitigate  
12 corrupting influences in its electoral process by establishing  
13 laws governing the financing of elections; and

14 WHEREAS, The United States Supreme Court decisions in  
15 *Citizens United v. Federal Election Commission* (2010) and  
16 *McCutcheon v. Federal Election Commission* (2014) removed  
17 restrictions on amounts of independent and aggregate political  
18 spending, effectively denying the several states the ability to  
19 establish their own laws governing the financing of elections,  
20 and the removal of those restrictions has resulted in the undue  
21 influence of powerful economic forces, which have supplanted the  
22 will of the people by undermining their ability to choose their  
23 political leadership and determine the fate of their states and  
24 the nation as a whole; and

25 WHEREAS, Elections for public office should be free of the  
26 corrupting influence of excessive spending by outside interests  
27 and fair enough that any qualified citizen is able to run for  
28 public office because free and fair elections with a level  
29 playing field ensure a robust debate and a healthy marketplace  
30 of ideas in the halls of our governments, and therefore a Free

1 and Fair Elections Amendment should be added to the Constitution  
2 of the United States to guarantee the preservation of the  
3 inalienable right to self-determination and self-governance for  
4 future generations of Americans; and

5 WHEREAS, Article V of the Constitution of the United States  
6 grants the states co-equal power to the Congress of the United  
7 States to propose Federal Constitutional amendments, and was  
8 added at the urging of our founding fathers so that the several  
9 states could protect themselves and their citizens from  
10 encroachments by the Federal government or in the event that the  
11 Federal government would someday become unresponsive to the will  
12 of the American people; and

13 WHEREAS, Some of our most respected presidents have endorsed  
14 the Convention of the States as an essential safeguard to our  
15 Constitutional Republic, including President Abraham Lincoln  
16 when he spoke of amending the Constitution of the United States,  
17 stating that "The convention mode seems preferable, in that it  
18 allows amendments to originate with the people themselves" and  
19 President Dwight Eisenhower, who stated, "Through their state  
20 legislatures and without regard to the federal government, the  
21 people can demand a convention to propose amendments that can  
22 and will reverse any trends they see as fatal to true  
23 representative government"; and

24 WHEREAS, Article V of the Constitution of the United States  
25 requires the Congress of the United States to call a convention,  
26 upon the application of two-thirds of the legislatures of the  
27 several states, for the purpose of proposing amendments to the  
28 Federal Constitution, an assurance made abundantly clear in  
29 Federalist No. 85 by Alexander Hamilton, who noted: "The words  
30 of this article are peremptory. The Congress 'shall call a

1 convention.' Nothing in this particular is left to the  
2 discretion of that body"; and

3 WHEREAS, The Commonwealth of Pennsylvania desires that the  
4 delegates to the Convention of the States be comprised equally  
5 of individuals currently elected to state and local office, or  
6 be determined by election with the prohibition that no  
7 individual elected or appointed to Federal office at any time  
8 may serve as delegate to the convention, in each congressional  
9 district in Pennsylvania for the purpose of serving as delegates  
10 and intends to retain the ability to restrict or expand the  
11 authority of its delegates within the limits herein expressed;  
12 and

13 WHEREAS, The Commonwealth of Pennsylvania intends this  
14 resolution to be a continuing application considered together  
15 with applications calling for a Convention of the States  
16 approved in the 2014 by the Vermont legislature as Joint Senate  
17 Resolution No. 27, the California legislature as Assembly Joint  
18 Resolution No. 1, the Illinois legislature as Senate Joint  
19 Resolution No. 42; approved in 2015 by the New Jersey  
20 legislature as Senate Concurrent Resolution No. 132; introduced  
21 in 2015 by the Montana General Assembly as House Joint  
22 Resolution No. 3 and the New Hampshire General Court as House  
23 Concurrent Resolution No. 2; and introduced in 2013 by the North  
24 Carolina legislature as House Resolution No. 1258, until such  
25 time as two-thirds of the states have applied for a Convention  
26 of the States and the convention is convened by the Congress of  
27 the United States; therefore be it

28 RESOLVED, (the House of Representatives concurring), That the  
29 General Assembly of the Commonwealth of Pennsylvania call for a  
30 Free and Fair Elections Amendment to the Constitution of the

1 United States via a Convention of the States, pursuant to  
2 Article V of the Constitution of the United States, which would  
3 authorize the states to apply disclosure rules and reasonable  
4 guidelines on election campaign contributions and expenditures;  
5 and be it further

6       RESOLVED, That a Free and Fair Elections Amendment would  
7 allow states to place reasonable limits on campaign  
8 contributions, establish disclosure rules, provide for stricter  
9 enforcement of existing bans on coordination between candidates  
10 and super PACs and ensure that American elections are free and  
11 fair so that the will of the people is reflected in the actions  
12 of the Federal government; and be it further

13       RESOLVED, That the Secretary of State of the Commonwealth of  
14 Pennsylvania transmit duly certified copies of this resolution  
15 to the President and Vice-President of the United States, the  
16 President Pro Tempore of the United States Senate, the Majority  
17 and Minority Leaders of the United States Senate, the Secretary  
18 and Parliamentarian of the United States Senate, the Speaker of  
19 the United States House of Representatives, the Majority and  
20 Minority Leaders of the United States House of Representatives,  
21 the Clerk and Parliamentarian of the United States House of  
22 Representatives, each member of the United States Senate and  
23 United States House of Representatives from the Commonwealth of  
24 Pennsylvania, with the respectful request that the full and  
25 complete text of this resolution be printed in the Congressional  
26 Record and that this resolution be referred to whichever  
27 committees of the United States Senate and United States House  
28 of Representatives that have proper jurisdiction over its  
29 subject matter, and to the presiding officers of each  
30 legislative body of each of the several states that have not yet

1 applied for the calling of a Convention of the States,  
2 requesting the cooperation of lawmakers in those particular  
3 states in approving applications compelling the Congress of the  
4 United States to call a convention for the purpose set forth in  
5 this resolution.