
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 357 Session of
2017

INTRODUCED BY COX, BIZZARRO, BRIGGS, CUTLER, DEAN, DONATUCCI,
FABRIZIO, FRANKEL, GILLEN, GOODMAN, HANNA, J. HARRIS, IRVIN,
KAUFER, NEILSON, PASHINSKI, C. QUINN, RABB, RADER, SONNEY,
VITALI AND WHEELAND, MARCH 20, 2017

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 20, 2017

A CONCURRENT RESOLUTION

1 Calling for a Free and Fair Elections Amendment to the
2 Constitution of the United States via a Convention of States,
3 pursuant to Article V of the Constitution of the United
4 States, to authorize the states to apply disclosure rules and
5 reasonable guidelines on election campaign contributions and
6 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 protect the inalienable rights
18 of the people, and the Declaration of Independence states that
19 "to secure these rights, Governments are instituted among Men,

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

3 WHEREAS, The Tenth Amendment of 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 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, stating that "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 States be comprised equally from
5 individuals currently elected to state and local office, or be
6 determined by election, in each congressional district in
7 Pennsylvania, for the purpose of serving as delegates, though
8 all individuals elected or appointed to Federal office, now or
9 in the past, be prohibited from serving as delegates to the
10 convention, and intends to retain the ability to restrict or
11 expand the authority of its delegates within the limits herein
12 expressed; 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 States passed in
16 the 2013-2014 Vermont legislature as R-454, the 98th Illinois
17 General Assembly as Senate Joint Resolution No. 42, and as
18 approved by the Senate of the Ninety-Eighth General Assembly of
19 the State of Missouri in 2015 as Senate Concurrent Resolution 24
20 and the House of Representatives of the One Hundred Sixty-Fourth
21 General Court of the State of New Hampshire in 2015 as House
22 Concurrent Resolution 2 and all other passed, pending and future
23 applications, the aforementioned concerns notwithstanding until
24 such time as two-thirds of the states have applied for a
25 Convention of States and the convention is convened by the
26 Congress of the United States; therefore be it

27 RESOLVED (the Senate concurring), That the General Assembly
28 of the Commonwealth of Pennsylvania call for a Free and Fair
29 Elections Amendment to the Constitution of the United States via
30 a Convention of States, pursuant to Article V of the

1 Constitution of the United States, to authorize the states to
2 apply disclosure rules and reasonable guidelines on election
3 campaign contributions and expenditures; and be it further

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

11 RESOLVED, That the Secretary of the Commonwealth transmit
12 duly certified copies of this resolution to the President and
13 Vice President of the United States, the President pro tempore
14 of the United States Senate, the Majority and Minority Leaders
15 of the United States Senate, the Secretary and Parliamentarian
16 of the United States Senate, the Speaker of the United States
17 House of Representatives, the Majority and Minority Leaders of
18 the United States House of Representatives, the Clerk and
19 Parliamentarian of the United States House of Representatives
20 and each member of Congress from Pennsylvania, with the
21 respectful request that the full and complete text of this
22 resolution be printed in the Congressional Record and that this
23 resolution be referred to the committees of the United States
24 Senate and the United States House of Representatives having
25 proper jurisdiction over its subject matter, and to the
26 presiding officers of each legislative body of each of the
27 several states that have not yet applied for the calling of a
28 Convention of States, requesting the cooperation of lawmakers in
29 those particular states in approving applications compelling the
30 Congress of the United States to call a convention for the

1 purpose set forth in this resolution.