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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE RESOLUTION

No. 457 Session of  
2019

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INTRODUCED BY MURT, SOLOMON, DONATUCCI, SCHLOSSBERG, RAVENSTAHL,  
SANCHEZ, JOHNSON-HARRELL, MOUL, CIRESI, McCLINTON, QUINN,  
DALEY, BRIGGS, CALTAGIRONE, FRANKEL AND DeLUCA,  
SEPTEMBER 3, 2019

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 3, 2019

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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 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 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 states to establish their own laws governing the financing  
9 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 the amount of independent and aggregate  
18 political spending, effectively denying the states the ability  
19 to establish their own laws governing the financing of  
20 elections, and the removal of those restrictions has resulted in  
21 the undue influence of powerful economic forces, which have  
22 supplanted the will of the people by undermining their ability  
23 to choose their political leadership and determine the fate of  
24 their states and 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; and

29 WHEREAS, Free and fair elections with a level playing field  
30 ensure a robust debate and a healthy marketplace of ideas in the

1 halls of government; and

2 WHEREAS, Therefore, a Free and Fair Elections Amendment  
3 should be added to the Constitution of the United States to  
4 guarantee the preservation of the inalienable right to self-  
5 determination and self-governance for future generations of  
6 Americans; and

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

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

26 WHEREAS, Article V of the Constitution of the United States  
27 requires the Congress of the United States to call a convention,  
28 upon the application of two-thirds of the legislature of the  
29 states, for the purpose of proposing amendments to the Federal  
30 Constitution, an assurance made abundantly clear in Federalist

1 No. 85 by Alexander Hamilton, who noted: "The words of this  
2 article are peremptory. The Congress 'shall call a convention.'  
3 Nothing in this particular is left to the discretion of that  
4 body"; and

5 WHEREAS, The Commonwealth of Pennsylvania urges that the  
6 delegates to the Convention of States be comprised equally from  
7 individuals currently elected to state and local office, or be  
8 determined by election, in each congressional district in  
9 Pennsylvania, for the purpose of serving as delegates, though  
10 all individuals elected or appointed to Federal office, now or  
11 in the past, be prohibited from serving as delegates to the  
12 convention, and intends to retain the ability to restrict or  
13 expand the authority of its delegates within the limits herein  
14 expressed; and

15 WHEREAS, The Commonwealth of Pennsylvania intends for this  
16 resolution to be a continuing application considered with  
17 applications calling for a Convention of States passed in the  
18 2013-2014 Vermont legislature as R-454, the 98th Illinois  
19 General Assembly as Senate Joint Resolution No. 42, and as  
20 approved by the Senate of the 98th General Assembly of the State  
21 of Missouri in 2015 as Senate Concurrent Resolution 24 and the  
22 House of Representatives of the 164th General Court of the State  
23 of New Hampshire in 2015 as House Concurrent Resolution 2 and  
24 all other passed, pending and future applications, the  
25 aforementioned concerns notwithstanding until such time as two-  
26 thirds of the states have applied for a Convention of States and  
27 the convention is convened by the Congress of the United  
28 States; therefore be it

29 RESOLVED (the Senate concurring), That the General Assembly  
30 of the Commonwealth of Pennsylvania call for a Free and Fair

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

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

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

1 particular states in approving applications compelling the  
2 Congress of the United States to call a convention for the  
3 purpose set forth in this resolution.