

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. **192** Session of
2019

INTRODUCED BY COSTA, BROWNE, FONTANA, SANTARSIERO, SCHWANK,
FARNESE, DINNIMAN, HUGHES, HAYWOOD, MARTIN, KILLION,
TARTAGLIONE, LEACH, MUTH, STREET AND BOSCOLA, AUGUST 7, 2019

REFERRED TO STATE GOVERNMENT, AUGUST 7, 2019

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 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; approved in
21 2016 by the Rhode Island Senate as Resolution No. 327 and the
22 Rhode Island House of Representatives as Resolution No. 326,
23 until such time as two-thirds of the states have applied for a
24 Convention of the States and the convention is convened by the
25 Congress of the United States; therefore be it

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

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

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

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

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