
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 254 Session of
2018

INTRODUCED BY COSTA, BROWNE, LEACH, FONTANA, BREWSTER, BOSCOLA,
YUDICHAK, HAYWOOD, MENSCH, RAFFERTY, TARTAGLIONE, HUGHES,
BLAKE, SABATINA, FARNESE, SCHWANK, STREET, MCGARRIGLE,
DINNIMAN, MARTIN, WHITE, WILLIAMS, ARGALL, McILHINNEY,
KILLION, WAGNER, VOGEL AND TOMLINSON, JANUARY 19, 2018

REFERRED TO STATE GOVERNMENT, JANUARY 19, 2018

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

1 that "to secure these rights, Governments are instituted among
2 Men, deriving their just powers from the consent of the
3 governed"; and

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

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

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

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

1 of ideas in the halls of our governments, and therefore a Free
2 and Fair Elections Amendment should be added to the Constitution
3 of the United States to guarantee the preservation of the
4 inalienable right to self-determination and self-governance for
5 future generations of Americans; and

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

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

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

1 of this article are peremptory. The Congress 'shall call a
2 convention.' Nothing in this particular is left to the
3 discretion of that body"; and

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

14 WHEREAS, The Commonwealth of Pennsylvania intends this
15 resolution to be a continuing application considered together
16 with applications calling for a Convention of the States
17 approved in 2014 by the Vermont legislature as Joint Senate
18 Resolution No. 27, the California legislature as Assembly Joint
19 Resolution No. 1, the Illinois legislature as Senate Joint
20 Resolution No. 42; approved in 2015 by the New Jersey
21 legislature as Senate Concurrent Resolution No. 132; approved in
22 2016 by the Rhode Island Senate as Resolution No. 327 and the
23 Rhode Island House of Representatives as Resolution No. 326,
24 until such time as two-thirds of the states have applied for a
25 Convention of the States and the convention is convened by the
26 Congress of the United States; therefore be it

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

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

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

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

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