



SPONSOR: Rep. Bentz & Sen. Townsend  
Reps. Brady, Chukwuocha, Matthews, Seigfried, Viola,  
K. Williams; Sens. Delcollo, McDowell, Paradee, Poore,  
Sokola

HOUSE OF REPRESENTATIVES  
150th GENERAL ASSEMBLY

HOUSE CONCURRENT RESOLUTION NO. 5

CALLING FOR AN ARTICLE V CONVENTION TO AMEND THE UNITED STATES CONSTITUTION.

1 WHEREAS, George Washington, the first President of the United States, stated in his Farewell Address that  
2 “[t]he basis of our political systems is the right of the people to make and to alter their constitutions of government.” and

3 WHEREAS, it was the stated intention of the framers of the Constitution of the United States of America that the  
4 Congress of the United States of America should be "dependent on the people alone" (James Madison, Federalist 52); and

5 WHEREAS, that dependency has evolved from a dependency on the people alone, to a dependency on those who  
6 spend excessively in elections, through campaigns or third party groups; and

7 WHEREAS, Americans across the political spectrum agree that elections in the United States of America should  
8 be free from the disproportional influence of special interests and fair enough that any citizen can be elected into office; and

9 WHEREAS, the United States Supreme Court ruling in *Citizens United v. Federal Election Commission*, 558  
10 U.S. 310 (2010), removed restrictions on amounts of independent political spending; and

11 WHEREAS, the removal of those restrictions has resulted in the unjust influence of powerful economic forces,  
12 which have supplanted the will of the people by undermining our ability to choose our political leadership, write our own  
13 laws, and determine the fate of our State; and

14 WHEREAS, Article V of the United States Constitution requires the United States Congress, upon application of  
15 the legislatures of two-thirds of the several states, to call a convention for the purpose of proposing amendments to the  
16 United States Constitution; and

17 WHEREAS, the State of Delaware sees the need for a convention to propose an amendment to address concerns  
18 such as those raised by the decision of the United States Supreme Court in *Citizens United v. Federal Election Commission*,  
19 558 U.S. 310 (2010), and related cases and events, including those occurring before or after, or for a substantially similar  
20 purpose, and desires that said convention should be so limited; and

21 WHEREAS, the State of Delaware desires that the delegates to said convention be comprised equally of  
22 individuals currently elected to state and local office, or be selected by election in each Congressional district for the  
23 purpose of serving as delegates, but all individuals elected or appointed to federal office, now or in the past, are prohibited

from serving as delegates to the convention, and the State of Delaware retains the ability to restrict or expand the power of its delegates within the limits expressed above; and

WHEREAS, the State of Delaware intends that this application constitutes a continuing application, considered together with applications on this subject such as those passed by the State of Vermont (2013-2014 Vermont R454, Joint Resolution Senate No. 27, 160 Congressional Record S4331, POM-284), the State of California (2014 California Resolution Chapter 77, Assembly Joint Resolution No. 1, 160 Congressional Record S5507, POM-320), the State of Illinois (2014 Illinois Senate Joint Resolution No. 42), the State of New Jersey (2014 New Jersey Senate Concurrent Resolution No. 132 ), and the State of Rhode Island (2016 Rhode Island Senate Resolution S 2589; 2016 Rhode Island House Resolution H 7670), and all other passed, pending, and future applications of similar intent, until such time as the legislatures of two-thirds of the several states have applied for such a convention, and that convention has actually been called by the United States Congress.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 150<sup>th</sup> General Assembly of the State of Delaware, the Senate concurring herein, that pursuant to Article V of the United States Constitution, Delaware hereby applies to Congress to call an amendments convention for the exclusive purpose of proposing an amendment to the United States Constitution to address concerns resulting from the United States Supreme Court's aforementioned rulings in the *Citizens United* decision, and related cases and events.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives send suitable copies of this resolution to the Governor of each state and to the presiding officers of each legislative body of each of the several states, requesting the cooperation of the several states in issuing similar applications compelling Congress to call a convention.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives send suitable copies of this resolution to the Archivist of the United States, the Secretary of the Senate of the United States, and the Clerk of the United States House of Representatives, requesting that they record this application in the published tally of state petitions for a convention of the states under Article V of the United States Constitution.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives send suitable copies of this resolution to the President of the United States; the Vice-President of the United States in his capacity as President of the Senate of the United States; and to the members of the Delaware Congressional Delegation so that they may be apprised of the sense of the General Assembly in this matter.

#### SYNOPSIS

This resolution places Delaware alongside sister states, including Vermont, California, Illinois, New Jersey, and Rhode Island, in calling for an Article V convention to reverse the decision by the United States Supreme Court in *Citizens*

United v. Federal Election Commission, 558 U.S. 310 (2010) ("Citizens United") and related cases and events. The Citizens United decision has permitted money to play an unduly influential role in the context of political campaigns. The convention will have the sole purpose of crafting an amendment to the Constitution of the United States to address this situation, based upon data and experiences that have arisen in the wake of these decisions.