



SPONSOR: Sen. Townsend & Rep. Bentz & Rep. Baumbach &  
Rep. Dorsey Walker  
Sens. Ennis, Hansen, Lockman, Sokola; Reps. Brady,  
Kowalko, Osienski, Seigfried

DELAWARE STATE SENATE  
150th GENERAL ASSEMBLY

SENATE CONCURRENT RESOLUTION NO. 72

REQUESTING THE UNITED STATES CONGRESS PROPOSE AND SEND TO THE STATES FOR RATIFICATION A CONSTITUTIONAL AMENDMENT TO MAKE CLEAR THAT CONGRESS AND THE STATES HAVE THE POWER AND AUTHORITY TO REGULATE AND LIMIT THE AMOUNTS OF MONEY COLLECTED AND SPENT IN ELECTIONS AND FOR REFERENDUMS AND BALLOT MEASURES.

1 WHEREAS, the Declaration of Independence acknowledges the self-evident truths that all people are created  
2 equal and born with certain inalienable rights, including the rights to life, liberty, and the pursuit of happiness; and

3 WHEREAS, the United States Constitution is intended to protect these inalienable rights of human beings from  
4 corruption and usurpation, and to enable effective self-government by a free people; and

5 WHEREAS, our State and federal constitutions and our system of representative, democratic government are  
6 founded on the principle of equal citizenship and reject the allocation of political power based upon wealth, standing, or  
7 privilege; and

8 WHEREAS, even-handed and reasonable limits on the role of money used to influence outcomes of elections are  
9 necessary, among other purposes, to: (1) secure the rights of all the citizens of our State to be represented and participate in  
10 elections and self-government, regardless of wealth, standing, or privilege and (2) protect the integrity of elections and  
11 government against foreign interests and undue influence of concentrated economic capital, whether of corporations,  
12 unions, or other entities; and

13 WHEREAS, rulings by the United States Supreme Court have interpreted the meaning of the First Amendment so  
14 as to allow virtually unlimited political contributions and spending by equating money with speech and then extending  
15 “free speech” protections to political contributions and spending; and

16 WHEREAS, rulings by the United States Supreme Court rendered these decisions without due regard for the  
17 political equality of every American citizen, the risk of systemic corruption, and the interest in self-governance by the  
18 People, free from undue influence of concentrated wealth from inside and outside of each state; and

19 WHEREAS, as a result of these decisions, federal and state courts have been compelled by this new Supreme  
20 Court doctrine to invalidate longstanding state and federal anti-corruption and election spending laws; and

21 WHEREAS, restricting the ability of the federal, state, and local governments to impose reasoned, appropriate  
22 limits on political contributions and spending allows wealthy individuals, corporations, unions, and other artificial entities  
23 to spend vast, virtually unrestricted amounts of money to drown out the voices of ordinary citizens, and unduly and  
24 disproportionately influence elections, candidate selection, and policy decisions affecting national, state, and local interests;  
25 and

26 WHEREAS, Article V of the United States Constitution empowers and obligates the People and States of the  
27 United States of America to use the constitutional amendment process to protect and defend the Constitution and secure our  
28 liberties; and

29 WHEREAS, a bipartisan majority of the 147<sup>th</sup> General Assembly signed and sent to then-serving members of our  
30 federal delegation a letter (“Letter”) requesting them to (1) “join your colleagues and pass a constitutional amendment  
31 reversing the United States Supreme Court’s 5-4 ruling in *Citizens United v. Federal Election Commission* (2010)”  
32 (“Delegation Support”), and (2) “send to the states for ratification as soon as is practical a constitutional amendment that  
33 reverses this decision, and that makes clear the right of our elected representatives and the American people to be steadfast  
34 in pursuit of fair elections and democratic sovereignty” (the “Constitutional Amendment”).

35 WHEREAS, a joint resolution proposing a Constitutional Amendment consistent with the intent of the Letter and  
36 this Senate Concurrent Resolution was introduced in the U.S. House of Representatives of the 116<sup>th</sup> Congress on January 3,  
37 2019, as House Joint Resolution 2 (“HJR 2”), and in the U.S. Senate of the 116<sup>th</sup> Congress on July 30, 2019, as Senate Joint  
38 Resolution 51 (“SJR 51”); and

39 WHEREAS, the Honorable Lisa L. Blunt Rochester, who represents our State in the U.S. House of  
40 Representatives, is a co-sponsor of HJR 2, and the Honorable Thomas Carper and the Honorable Christopher A. Coons,  
41 who represent our State in the U.S. Senate, are co-sponsors of SJR 51, providing the Delegation Support requested in the  
42 Letter; and

43 WHEREAS, neither HJR 2 nor SJR 51 has been sent to the states for ratification.

44 NOW, THEREFORE:

45 BE IT RESOLVED by the Senate of the 150<sup>th</sup> General Assembly of the State of Delaware, the House of  
46 Representatives concurring therein, that the General Assembly requests that the United States Congress propose and send to  
47 the states for ratification a constitutional amendment to make clear that Congress and the states have the power and  
48 authority to regulate and limit the amounts of money collected and spent in elections and for referendums and ballot  
49 measures, to protect the integrity of elections and secure the equal right of all American citizens to representation and  
50 participation in government, regardless of ownership or access to money.

51 BE IT FURTHER RESOLVED, that the General Assembly is prepared to ratify the Constitutional Amendment, or  
52 an amendment of similar wording and intent when the opportunity is presented.

53 BE IT FURTHER RESOLVED, that, after passage by the General Assembly, the Secretary of the Senate prepare  
54 and send a suitable copy of this Senate Concurrent Resolution to the Speaker of the United State House of Representatives,  
55 the Minority Leader of the House of Representatives, the Majority Leader of the United States Senate, the Minority Leader  
56 of the United States Senate, and to each member of our federal delegation.

#### SYNOPSIS

This Senate Concurrent Resolution requests the United States Congress propose and send to the states for ratification a constitutional amendment to make clear that Congress and the states have the power and authority to regulate and limit the amounts of money collected and spent in elections and for referendums and ballot measures.

Author: Senator Townsend