



SPONSOR: Sen. Townsend & Sen. Gay & Rep. Bentz &  
Rep. Baumbach & Rep. Michael Smith  
Sens. Hansen, S. McBride, Sokola; Reps. Kowalko,  
Lambert, Lynn, Mitchell, Morrison, Wilson-Anton

DELAWARE STATE SENATE  
151st GENERAL ASSEMBLY

SENATE CONCURRENT RESOLUTION NO. 16

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, We the People have a compelling interest in fostering robust political debate and self-  
9 government, securing the liberty and political equality of our citizens, guarding against corruption, and advancing  
10 federalism and the interests of the several states; and

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

16 WHEREAS, rulings by the United States Supreme Court have interpreted the meaning of the First Amendment so  
17 as to allow virtually unlimited political contributions and spending by equating money with speech and then extending  
18 "free speech" protections to political contributions and spending; and

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

22 WHEREAS, the Supreme Court of the United States rendered these decisions without due regard for the  
23 independence of states as guaranteed by the 10<sup>th</sup> Amendment; and

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

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

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

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

40 WHEREAS, a joint resolution proposing a Constitutional Amendment consistent with the intent of the Letter and  
41 this Senate Concurrent Resolution was introduced in the U.S. House of Representatives of the 116<sup>th</sup> Congress on January 3,  
42 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  
43 Resolution 51 (“SJR 51”); and

44 WHEREAS, the Honorable Lisa L. Blunt Rochester, who represents our State in the U.S. House of  
45 Representatives, was a co-sponsor of HJR 2, and the Honorable Thomas R. Carper and the Honorable Christopher A.  
46 Coons, who represent our State in the U.S. Senate, were co-sponsors of SJR 51, providing the Delegation Support requested  
47 in the Letter; and

48 WHEREAS, no Constitutional Amendment has been sent to the States for ratification.

49 NOW, THEREFORE:

50 BE IT RESOLVED by the Senate of the 151<sup>st</sup> General Assembly of the State of Delaware, the House of  
51 Representatives concurring therein, that the General Assembly requests that the United States Congress propose and send to

52 the states for ratification a constitutional amendment to make clear that Congress and the states have the power and  
53 authority to regulate and limit the amounts of money collected and spent in elections, and for referendums and ballot  
54 measures, to protect the integrity of elections, and secure the equal right of all American citizens to representation and  
55 participation in government, regardless of ownership or access to money.

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

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

#### SYNOPSIS

This Senate Concurrent Resolution requests that 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