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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE RESOLUTION

No. 440 Session of  
2017

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INTRODUCED BY DERMODY, DONATUCCI, DRISCOLL, DEAN, CALTAGIRONE,  
HANNA, LONGIETTI, YOUNGBLOOD, FRANKEL, FREEMAN, ROZZI,  
STURLA, O'BRIEN, GAINNEY, SOLOMON, SIMS, PASHINSKI, SCHWEYER,  
KINSEY, D. COSTA, DAVIDSON, NEILSON, DeLUCA, ROEBUCK,  
GOODMAN, HILL-EVANS AND WARREN, JULY 27, 2017

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, JULY 27, 2017

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A CONCURRENT RESOLUTION

1 Urging the Congress of the United States to propose an amendment  
2 to the Constitution of the United States clarifying the  
3 distinction between the rights of natural persons and the  
4 rights of corporations and other legal entities under the  
5 First Amendment and giving Congress and state legislatures  
6 the power to regulate political contributions and  
7 expenditures.

8 WHEREAS, Free speech is a right held by natural persons,  
9 recognized and protected by the First Amendment to the  
10 Constitution of the United States; and

11 WHEREAS, Corporations, limited liability companies and  
12 partnerships, associations, unions and other legal entities  
13 established under and granted privileges by Federal, State and  
14 local laws make important contributions to our society but are  
15 not to be equated with natural persons; and

16 WHEREAS, The rights and privileges of legal entities are  
17 established and protected through existing statutes and judicial  
18 case law; and

19 WHEREAS, The decision to regulate corporate financial

1 campaign contributions and expenditures is one that historically  
2 and constitutionally has been within the purview of the Congress  
3 of the United States and state legislatures; and

4 WHEREAS, In 2010, the United States Supreme Court issued its  
5 decision in *Citizens United v. Federal Election Commission*, 558  
6 U.S. 310 (2010), ruling that Congress and the states lack the  
7 constitutional right to ban independent corporate expenditures  
8 to political campaigns for public office; and

9 WHEREAS, In the *Citizens United* decision the United States  
10 Supreme Court relied on its previously issued opinion in *Buckley*  
11 *v. Valeo*, 424 U.S. 1 (1976), equating the spending of money for  
12 electing candidates to public office with speech; and

13 WHEREAS, The *Citizens United* decision has allowed for the  
14 creation of super political action committees in election  
15 campaigns for public office, which have made unregulated  
16 campaign expenditures in unprecedented amounts; and

17 WHEREAS, The General Assembly of the Commonwealth of  
18 Pennsylvania has grave concerns regarding the implications of  
19 the 5-4 ruling in *Citizens United*; and

20 WHEREAS, The opinion of the four dissenting justices noted  
21 that corporations have certain privileges not enjoyed by natural  
22 persons, such as limited liability, perpetual life and favorable  
23 treatment of the accumulation and distribution of assets, which  
24 enable corporations to financially overwhelm natural persons in  
25 the political process; and

26 WHEREAS, Congress, state legislatures and local legislative  
27 bodies should have the authority to regulate political  
28 contributions and expenditures; and

29 WHEREAS, Based on the American values of fair play and  
30 ensuring that all citizens, regardless of wealth, have an

1 opportunity for their political views to be heard, there is a  
2 valid rationale for regulating political spending; and

3 WHEREAS, It is imperative that Congress and state  
4 legislatures be allowed to exercise authority to make decisions  
5 about the regulation of political contributions to and  
6 expenditures made by natural persons and legal entities; and

7 WHEREAS, This policy requires that the Constitution of the  
8 United States be amended to authorize congressional and state  
9 regulation of political contributions and expenditures;  
10 therefore be it

11 RESOLVED (the Senate concurring), That the General Assembly  
12 of the Commonwealth of Pennsylvania urge the Congress of the  
13 United States to propose an amendment to the Constitution of the  
14 United States clarifying the distinction between the rights of  
15 natural persons and the rights of corporations, unions and other  
16 legal entities under the First Amendment and giving Congress and  
17 state legislatures the power to regulate political contributions  
18 to and expenditures made by natural persons and legal entities;  
19 and be it further

20 RESOLVED, That copies of this resolution be transmitted to  
21 the President of the United States, the Majority Leader of the  
22 Senate of the United States, the Speaker of the House of  
23 Representatives of the United States, the presiding officers of  
24 each house of Congress and each member of Congress from  
25 Pennsylvania.