

23100652D

## HOUSE RESOLUTION NO. 242

Offered January 11, 2023

Prefiled January 6, 2023

*Recognizing that the political independence of Virginians, as highlighted in the Virginia Declaration of Rights, necessitates state control over election spending.*

Patrons—Watts and Sickles

Referred to Committee on Rules

WHEREAS, the Virginia Declaration of Rights, adopted 246 years ago, reads, "That all power is vested in, and consequently derived from, the people"; and

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

WHEREAS, money is property and not speech, and the Congress of the United States, state legislatures, and local legislative bodies should have the authority to regulate political contributions and expenditures to ensure that power is vested in and derived from the people; and

WHEREAS, the Virginia House of Delegates, with its origin as the first democratically elected legislative assembly in English North America, recognizes that our Commonwealth has compelling interests in representative self-government, federalism, the integrity of the electoral process, and the political equality of natural persons; and

WHEREAS, a series of decisions by the Supreme Court of the United States have struck down long-standing precedent prohibiting corporations and unions from spending unlimited amounts of money to influence the outcome of our elections, disproportionately elevating the role of wealthy special interests in elections and diminishing both the voices and influence of ordinary Americans, including those in Virginia; and

WHEREAS, members of the Virginia House of Delegates and the overwhelming majority of their constituents believe that these U.S. Supreme Court rulings limit the elaboration of state and federal anti-corruption, transparency, and election spending laws; and

WHEREAS, spending by so-called Super PACs, wealthy individuals, corporations, unions, and special interests have driven Virginia statewide spending on elections to historic highs while threatening the integrity of the election process, diluting the power of individual voters, and distorting the public discourse and establishment of public policies; and

WHEREAS, in 2021, Virginia celebrated the 50th anniversary of the revised Constitution of Virginia, which in Article I, Section 3 of the Bill of Rights states that government "is instituted for the common benefit, protection, and security of the people, nation, or community"; now, therefore, be it

RESOLVED by the House of Delegates, That the Constitution of the United States of America be amended to make clear that the states have the power to regulate and set limits on election contributions and expenditures in state elections and that Congress likewise has such power in federal elections. Such an amendment is critical to secure the equal rights of all Americans to free speech and representation in government, regardless of wealth or access to corporate, union, or other treasuries; and, be it

RESOLVED FURTHER, That such an amendment make clear that the rights of persons protected by the Constitution are the rights of natural persons and not those of corporations, unions, or other artificial entities; and, be it

RESOLVED FURTHER, That such an amendment affirm that no foreign entities, individuals, or state actors shall be legally permitted to influence any U.S. election process through direct or indirect spending; and, be it

RESOLVED FURTHER, That such an amendment make clear that money can facilitate speech, but its use is not, in and of itself, speech within the meaning of the First Amendment, and Congress and state legislatures may regulate all moneys raised and spent for political purposes; and, be it

RESOLVED FURTHER, That the senators and representatives of the Congressional Delegation of the Commonwealth of Virginia support such legislation and take actions immediately to pass an amendment and ensure that it is transmitted back to the states for ratification; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the members of the Virginia Congressional Delegation, and the legislatures of each of the several states, attesting to the adoption of this resolution by the Virginia House of Delegates.

INTRODUCED

HR242