



Resolution Supporting a U.S. Constitutional Amendment to Allow States and the Congress to Regulate Election Spending

Patron: Del. Vivian Watts [HR 242](#)

KEY PROVISIONS:

Resolution by the Virginia House of Delegates that **the US Constitution be amended to make clear that states have the power to regulate and set limits on election contributions and expenditures in state elections** and that the US Congress likewise have such power in federal elections. Such an amendment:

- would make clear that **US Constitutional rights of persons are rights of natural persons** and not those of corporations, unions, or other artificial entities;
- would affirm that **foreign entities, individuals, and state actors would not be permitted to influence any US election** through direct or indirect spending;
- would make clear that **money can facilitate speech but its use is not speech** within the meaning of the First Amendment of the US Constitution and Congress and state legislatures may regulate all money raised and spent for political purposes.

The resolution directs the Virginia's Congressional Delegation to support such legislation and take actions to immediately pass an amendment and transmit it back to states for ratification.

WHY VIRGINIA NEEDS THIS BILL:

- Because of decisions by the US Supreme Court going back 40 years, **Virginia elections have become nationalized** with the voices of citizens of the Commonwealth drowned out by money from special interests and wealthy donors from outside the state.
- These SCOTUS rulings have severely curtailed the rights of Congress and the states to regulate election spending, by **equating "money as free speech" and "corporations as people"**. They have removed all limits on the amounts that individuals can donate to independent (i.e., non-candidate/campaign) entities such as PACs.
- Only an amendment to the U.S. Constitution would curtail the exponential growth of high donor and often undisclosed "Dark Money" spending which have completely overwhelmed small donations by common citizens.
- **Twenty-one states (but not Virginia), representing 141 million Americans, have passed resolutions** supporting this constitutional amendment.
- According to national polls and a 2021 public opinion poll in Virginia, **a majority of Americans and voters in Virginia support such an amendment.**



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