

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE
Revised

House Joint Resolution 2 (Delegate Hixson, *et al.*)

Rules and Executive Nominations

Rules

United States Constitution - Democracy Amendment

This joint resolution expresses the General Assembly's sharp disagreement with the U.S. Supreme Court decision in *Citizens United v. Federal Elections Commission (FEC)* and urges the U.S. Congress to propose and send to the states for ratification as soon as it is practicable a constitutional amendment to reverse the decision and restore fair elections and democratic sovereignty to the states and to the people of the United States.

Fiscal Summary

State Effect: The joint resolution does not directly affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Background:

Citizens United Decision

Independent expenditures – political spending by individuals or organizations without coordination with a candidate – have received a significant amount of attention since the 2010 Supreme Court decision in *Citizens United v. FEC* and the subsequent decision of the D.C. Circuit Court of Appeals in *SpeechNow.org v. FEC* (also in 2010). The Supreme Court and D.C. Circuit held, respectively, that corporate independent expenditures could

not be limited or prohibited and that contributions to political committees that make only independent expenditures (Super PACs) could not be limited.

Amendments to the U.S. Constitution

Article V of the U.S. Constitution states that Congress may propose amendments to the Constitution with votes of two-thirds of both Houses. States can also apply to Congress to call a convention for proposing amendments, upon application of two-thirds of the states. Amendments in either case must be ratified by the legislatures of three-fourths of the states or by conventions in three-fourths of the states “as the one or the other mode of ratification may be proposed by the Congress.”

All amendments to the Constitution to date have been as a result of amendments being proposed by Congress rather than a convention upon application by the states.

Additional Information

Prior Introductions: SJ 6 of 2014 passed second reading with amendments in the Senate, but no further action was taken. HJ 7 of 2014 received a hearing in the House Rules and Executive Nominations Committee, but no further action was taken.

Cross File: SJ 2 (Senator Pinsky, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): U.S. Senate, Department of Legislative Services

Fiscal Note History: First Reader - February 24, 2015
min/hlb Revised - House Third Reader - April 14, 2015

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510