

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Joint Resolution 5 (Senator Madaleno, *et al.*)
Education, Health, and Environmental Affairs

Constitutional Convention - Amendment - Repeal

This joint resolution rescinds, repeals, cancels, voids, nullifies, and supersedes, to the same effect as if they had never been passed, any and all prior applications by the General Assembly to the U.S. Congress to call a convention to propose amendments to the U.S. Constitution. The General Assembly urges the legislatures of other states that have applied to the U.S. Congress to call a convention for either a general or limited constitutional convention to repeal and withdraw such applications.

Fiscal Summary

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

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: Article V of the U.S. Constitution states that Congress may propose amendments to the U.S. 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.”

According to the joint resolution’s preamble, since its ratification, the U.S. Constitution has been amended 26 times, each time by the proposal of an amendment by Congress, often

on initial petition by the states, and always with subsequent ratification by the requisite number of state legislatures. The preamble also states that the General Assembly has passed four calls for a constitutional convention since the 1930s, and it is generally believed that these calls never expire.

Additional Information

Prior Introductions: None.

Cross File: HJ 6 (Delegates Frick and Rosenberg) – Rules and Executive Nominations.

Information Source(s): Department of Legislative Services

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kb/mcr

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