

HOUSE JOINT RESOLUTION 11

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By: Delegates Gaines, Ali, Anderson, Angel, Atterbeary, B. Barnes, D. Barnes, Beidle, Brooks, Chang, Cullison, Davis, Dumais, Ebersole, Fennell, Fraser-Hidalgo, Frush, Gibson, Gilchrist, Glenn, Gutierrez, Hayes, Haynes, Hill, Hixson, Holmes, C. Howard, Jackson, Jameson, Jones, Kelly, Kramer, Krimm, Lafferty, Lam, J. Lewis, R. Lewis, Lierman, Lisanti, Luedtke, McCray, A. Miller, Moon, Morales, Morhaim, Mosby, Patterson, Pena-Melnyk, Platt, Proctor, Queen, Reznik, Robinson, Sample-Hughes, Sanchez, Sophocleus, Stein, Sydnor, Tarlau, Turner, Valderrama, Valentino-Smith, Vallario, A. Washington, M. Washington, Wilkins, Wilson, K. Young, ~~and P. Young~~ P. Young, Barve, Bromwell, Carr, Clippinger, Healey, McIntosh, and Pendergrass

Introduced and read first time: February 9, 2018

Assigned to: Rules and Executive Nominations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2018

RESOLUTION NO. _____

1 A House Joint Resolution concerning

2 **United States Constitution – Amendments Convention – Democracy Amendment**

3 FOR the purpose of applying to the U.S. Congress for an amendments convention called
4 under Article V of the U.S. Constitution, on the application of the legislatures of
5 two-thirds of the several states, to propose an amendment to the U.S. Constitution
6 that ~~affirms every citizen's individual right to vote, reserves constitutional rights to~~
7 ~~natural persons, and~~ authorizes regulation of contributions and expenditures
8 intended to influence elections; and generally relating to an application to Congress
9 for a convention to propose an amendment to the U.S. Constitution.

10 ~~WHEREAS, The American people have built our representative democracy on the~~
11 ~~principle that every citizen has the individual right to vote and the guarantee that every~~
12 ~~vote cast is counted; and~~

13 WHEREAS, Elections should be free of the influence of excessive campaign spending
14 by outside interests and fair enough that any citizen is able to run for public office; and

EXPLANATION:

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken by amendment.



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~~1 WHEREAS, It was the stated intention of the framers of the U.S. Constitution that
2 the Congress of the United States of America should be “dependent on the people alone”
3 (James Madison, Federalist No. 52, in the Federalist Papers); and~~

4 WHEREAS, The U.S. Supreme Court has removed the wall of separation between
5 private wealth and democratic elections by removing prohibitions against unlimited
6 electoral expenditures in Citizens United v. Federal Election Commission, McCutcheon v.
7 Federal Election Commission, and related cases; and

~~8 WHEREAS, The U.S. Congress has failed to propose a constitutional amendment to
9 protect the individual right to vote and to restore confidence in the integrity of our elections
10 and government; and~~

~~11 WHEREAS, The people have the right to choose the leaders who write our laws, but
12 decisions of the U.S. Supreme Court and corresponding inaction by the U.S. Congress have
13 undermined the American principle of self-government, necessitating that Americans take
14 action to defend the republic and strengthen our democracy; and~~

15 WHEREAS, Article V of the U.S. Constitution states that “on the Application of the
16 Legislatures of two-thirds of the several States,” Congress “shall call a Convention for
17 proposing Amendments”; and

18 WHEREAS, The Bill of Rights and four of the last ten amendments to the U.S.
19 Constitution were added to the U.S. Constitution at least partly in response to pressure
20 from state legislatures calling for a convention of the states to propose an amendment; and

21 WHEREAS, Most prior constitutional amendments have been added to create a more
22 perfect union by making America more democratic, more inclusive, and more accountable
23 to the people; and

24 WHEREAS, The General Assembly of Maryland desires that the delegates from the
25 State to the convention be composed of citizens, in numbers equal to the number of
26 presidential electors in the State, ~~half of whom are elected by the people voting at large and
27 half of whom are selected by the General Assembly from among State and local officials;~~
28 and

29 WHEREAS, The General Assembly of Maryland desires that the delegates from the
30 State be composed of an equal number of men and women and be reflective of the voter
31 registration in the State; and

~~32 WHEREAS, The General Assembly of Maryland desires that the delegates selected
33 by the General Assembly be selected after the other half of the delegates are elected by the
34 people and be selected in such a manner that results in the full delegation from the State
35 being composed of an equal number of men and women and being reflective of the voter
36 registration in the State; and~~

1 WHEREAS, The General Assembly of Maryland desires that all individuals elected
2 to federal offices shall be prohibited from serving as delegates to the convention; and

3 WHEREAS, The State of Maryland intends to retain the ability to restrict or expand
4 the power of its delegates within the limits expressed above; and

5 WHEREAS, The State of Maryland intends that this application for an amendments
6 convention shall be considered in keeping with the applications already submitted on ~~these~~
7 ~~topics~~ this topic such as those passed by the 2013–2014 Vermont legislature as R454, the
8 2013–2014 California legislature as Resolution Chapter 77, the 98th Illinois General
9 Assembly as SJR 42, the 2014–2015 New Jersey legislature as SCR 132, the 2015–2016
10 Rhode Island legislature as HR 7670 and SR 2589, and all other passed, pending, and
11 future applications on ~~any of the~~ this same ~~topics~~ topic; now, therefore, be it

12 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That, as provided
13 in Article V of the U.S. Constitution, the General Assembly of Maryland respectfully applies
14 to the U.S. Congress for an amendments convention to be called, as soon as two–thirds of
15 the several states have applied for a convention, for the purpose of proposing an
16 amendment or amendments to the U.S. Constitution regarding ~~any of these~~ the specific and
17 limited ~~purposes~~:

18 ~~(1) affirming every citizen's individual right to vote;~~

19 ~~(2) reserving constitutional rights to natural persons; or~~

20 ~~(3) purpose of~~ purpose of authorizing the regulation of contributions and expenditures
21 intended to influence elections; and be it further

22 RESOLVED, That delegates to the convention from Maryland may not propose or
23 support amendments that do not have the primary goals of addressing only the specific and
24 limited ~~purposes~~ purpose enumerated above; and be it further

25 RESOLVED, That this application constitutes a continuing application in
26 accordance with Article V of the U.S. Constitution and shall expire on January 20, ~~2020~~
27 2026, without any further action from the General Assembly of Maryland; and be it further

28 RESOLVED, That certified copies of this Joint Resolution be sent by the Secretary
29 of State to:

30 (1) the Honorable Michael R. Pence, Vice President of the United States,
31 President of the United States Senate, Suite S–212, United States Capitol Building,
32 Washington, D.C. 20510; the Honorable Orrin Hatch, President Pro Tempore of the United
33 States Senate, 104 Hart Office Building, Washington, D.C. 20510; and the Honorable Paul
34 D. Ryan, Speaker of the United States House of Representatives, 1233 Longworth House
35 Office Building, Washington, D.C. 20515; and

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1 (2) the Maryland Congressional Delegation: Senators Benjamin L. Cardin
2 and Christopher Van Hollen, Jr., Senate Office Building, Washington, D.C. 20510; and
3 Representatives Andrew P. Harris, C. A. Dutch Ruppersberger III, John P. Sarbanes,
4 Anthony G. Brown, Steny Hamilton Hoyer, John Delaney, Elijah E. Cummings, and Jamie
5 Raskin, House Office Building, Washington, D.C. 20515; and

6 (3) the Honorable David S. Ferriero, Archivist of the United States,
7 National Archives and Records Administration, 709 Pennsylvania Avenue, N.W.,
8 Washington, D.C. 20408; and

9 (4) the Honorable Julie E. Adams, Secretary of the United States Senate,
10 United States Capitol Building, Suite S-312, Washington, D.C. 20510; the Honorable
11 Elizabeth MacDonough, Parliamentarian of the United States Senate, United States
12 Capitol Building, Suite S-133, Washington, D.C. 20510; the Honorable Karen L. Haas,
13 Clerk of the United States House of Representatives, Suite H-154, United States Capitol
14 Building, Washington, D.C. 20515; and the Honorable Thomas J. Wickham, Jr.,
15 Parliamentarian of the United States House of Representatives, Room H-209, United
16 States Capitol Building, Washington, D.C. 20515, requesting that they publish this Joint
17 Resolution in the Congressional Record and list this application in the official tally of state
18 legislative applications for a convention of the states under Article V of the U.S.
19 Constitution; and be it further

20 RESOLVED, That the Secretary of State is directed to send copies of this Joint
21 Resolution to the presiding officers of both Houses of the legislature of each of the several
22 states, with the request that it be circulated among leaders in the legislative branch of the
23 state governments; and with the further request that each of the states join in requesting
24 the U.S. Congress to call a convention for the purpose of initiating a proposal to amend the
25 U.S. Constitution as described in this Joint Resolution.

Approved:

Speaker of the House of Delegates.

President of the Senate.