SENATE JOINT RESOLUTION 2

By: Senators Pinsky, Guzzone, Kelley, King, Kramer, Lee, and Smith
Introduced and read first time: January 27, 2020
Assigned to: Education, Health, and Environmental Affairs

SENATE JOINT RESOLUTION

A Senate Joint Resolution concerning

United States Constitution – Amendments Convention – Democracy Amendment

FOR the purpose of applying to the U.S. Congress for an amendments convention called under Article V of the U.S. Constitution, on the application of the legislatures of two-thirds of the several states, to propose an amendment or amendments to the U.S. Constitution that affirm individuals’ right to vote, reserve constitutional rights to natural persons, or authorize regulation of contributions and expenditures intended to influence elections; and generally relating to an application to Congress for a convention to propose an amendment to the U.S. Constitution.

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

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

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

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

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

WHEREAS, The General Assembly of Maryland desires that the delegates from the State to the convention be composed of citizens, in numbers equal to the number of
presidential electors in the State selected by the General Assembly; and

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

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

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

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

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

(1) affirming every individual citizen’s right to vote;

(2) reserving constitutional rights to natural persons; or

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

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

RESOLVED, That this application constitutes a continuing application in accordance with Article V of the U.S. Constitution and shall expire on January 20, 2029, without any further action from the General Assembly of Maryland; and be it further

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

(1) the Honorable Michael R. Pence, Vice President of the United States, President of the United States Senate, Suite S–212, United States Capitol Building,
WASHINGTON, D.C. 20510; the Honorable Charles Grassley, President Pro Tempore of the United States Senate, 135 Hart Office Building, Washington, D.C. 20510; and the Honorable Nancy Pelosi, Speaker of the United States House of Representatives, 1236 Longworth House Office Building, Washington, D.C. 20515; and

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

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

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

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