

SENATE JOINT RESOLUTION 6

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By: **Senators Raskin, Conway, Frosh, Gladden, Kelley, Madaleno,
Montgomery, Peters, Pinsky, Robey, and Rosapepe**

Introduced and read first time: January 31, 2014

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 31, 2014

RESOLUTION NO. _____

1 A Senate Joint Resolution concerning

2 **United States Constitutional Convention – Democracy Amendment**

3 FOR the purpose of applying to the U.S. Congress for an amendments convention
4 called under Article V of the U.S. Constitution, on the application of the
5 legislatures of two-thirds of the several states, to propose an amendment to the
6 U.S. Constitution that affirms every citizen's freedom to vote and restores free
7 and fair elections in America; and generally relating to an application to
8 Congress for a convention to propose an amendment to the U.S. Constitution.

9 WHEREAS, The American people have built our representative democracy on
10 the principle of free and fair elections where every citizen has the freedom to vote and
11 the guarantee that every vote cast is counted; and

12 WHEREAS, The American people have, for more than a century, sought to free
13 our elections and political institutions from the corrupting influence of massive
14 campaign spending by outside interests and to ensure elections are fair enough that
15 any citizen is able to run for public office; and

16 WHEREAS, The U.S. Supreme Court has trampled the democratic political
17 process and demolished the wall of separation between private wealth and democratic
18 elections by removing prohibitions against unlimited electoral expenditures in
19 *Citizens United v. Federal Election Commission*, by denying the existence of an
20 individual constitutional right to vote in *Bush v. Gore*, and by severely undermining
21 the Voting Rights Act of 1965 in *Shelby County v. Holder*; and

EXPLANATION:

Underlining indicates amendments to bill.

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



1 WHEREAS, A paralyzed U.S. Congress has failed to pass both the “DISCLOSE
2 Act” to illuminate the secret sources of “dark money” pouring into elections and
3 legislation renewing the preclearance process of the Voting Rights Act of 1965 in
4 response to the U.S. Supreme Court’s assault on this essential achievement of the
5 Civil Rights Movement; and

6 WHEREAS, A paralyzed U.S. Congress has failed to propose a constitutional
7 amendment to protect the freedom to vote and to secure free and fair elections in order
8 to restore confidence in the integrity of our government; and

9 WHEREAS, The people have the right to choose the leaders who write our laws,
10 but decisions of the nation’s highest court and corresponding inaction by Congress
11 have turned our public elections into private auctions in which the highest bidders rig
12 the game, necessitating that Americans take action to defend the republic and
13 strengthen our democracy; and

14 WHEREAS, President Barack Obama stated that, “Over the longer term, I
15 think we need to seriously consider mobilizing a constitutional amendment process to
16 overturn Citizens United”; and

17 WHEREAS, President Dwight D. Eisenhower stated that, “Through their state
18 legislatures and without regard to the federal government, the people can demand a
19 convention to propose amendments that can and will reverse any trends they see as
20 fatal to true representative government”; and

21 WHEREAS, Article V of the U.S. Constitution provides authority for a
22 convention to be called by the U.S. Congress for the purpose of proposing amendments
23 to the U.S. Constitution on application of two-thirds of the legislatures of the several
24 states; and

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

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

32 WHEREAS, The General Assembly of Maryland favors the proposal and
33 ratification of a “Democracy Amendment” to the U.S. Constitution to affirm every
34 citizen’s individual right to vote, reject the doctrine that artificial entities have
35 inalienable political rights, regulate campaign contributions and electioneering
36 expenditures, and restore free and fair elections in America, and desires the
37 convention to be limited to that purpose; and

1 WHEREAS, The General Assembly of Maryland desires that the delegates to
2 the convention be composed of citizens elected in the states, in numbers equal to the
3 number of presidential electors in the states, by the people voting at large in the
4 states; and

5 WHEREAS, The General Assembly of Maryland desires that the delegates from
6 a state be composed of an equal number of men and women, except for states that
7 have an odd number of presidential electors in which case the delegates of one gender
8 may outnumber the delegates of the other gender by one; and

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

12 WHEREAS, The State of Maryland intends to retain the ability to restrict or
13 expand the power of its delegates within the limits expressed above; now, therefore, be
14 it

15 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That, as
16 provided in Article V of the U.S. Constitution, the General Assembly of Maryland
17 respectfully applies to the U.S. Congress for an amendments convention to be called,
18 as soon as two-thirds of the several states have applied for a convention, for the
19 purpose of proposing an amendment to the U.S. Constitution to affirm every citizen's
20 freedom to vote and restore free and fair elections in America; and be it further

21 RESOLVED, That delegates to the convention from Maryland may not propose
22 amendments that do not have the primary goals of addressing the goals listed in this
23 Joint Resolution; and be it further

24 RESOLVED, That this application constitutes a continuing application in
25 accordance with Article V of the U.S. Constitution until at least two-thirds of the
26 legislatures of the several states have made application for an equivalently limited
27 amendments convention; and be it further

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

30 (1) the Honorable Joseph R. Biden, Jr., Vice President of the United
31 States, President of the United States Senate, Suite S-212, United States Capitol
32 Building, Washington, D.C. 20510; the Honorable Patrick Leahy, President Pro
33 Tempore of the United States Senate, 437 Russell Senate Office Building, Washington,
34 D.C. 20510; and the Honorable John Boehner, Speaker of the United States House of
35 Representatives, 1011 Longworth House Office Building, Washington, D.C. 20515;

36 (2) ~~all members of~~ the Maryland Congressional Delegation: Senators
37 Barbara A. Mikulski and Benjamin L. Cardin, Senate Office Building, Washington,
38 D.C. 20510; and Representatives Andrew P. Harris, C. A. Dutch Ruppertsberger III,

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1 John P. Sarbanes, Donna Edwards, Steny Hamilton Hoyer, John Delaney, Elijah E.
 2 Cummings, and Christopher Van Hollen, Jr., House Office Building, Washington, D.C.
 3 20515;

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

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

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

Approved:

President of the Senate.

Speaker of the House of Delegates.