

**Department of Legislative Services**  
Maryland General Assembly  
2019 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Joint Resolution 2 (Delegate Gaines, *et al.*)  
Rules and Executive Nominations

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**United States Constitution - Amendments Convention - Democracy Amendment**

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This joint resolution applies to the U.S. Congress for an amendments convention to be called for the purpose of proposing an amendment (or amendments) to the U.S. Constitution authorizing the regulation of contributions and expenditures intended to influence elections.

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**Fiscal Summary**

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

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** The joint resolution applies to the U.S. Congress for an amendments convention to be called, pursuant to Article V of the U.S. Constitution, as soon as two-thirds of the states have applied for a convention, for the purpose of proposing an amendment or amendments to the U.S. Constitution regarding the specific and limited purpose of authorizing the regulation of contributions and expenditures intended to influence elections.

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 purpose stated above. The application constitutes a continuing application and expires January 20, 2027. The resolution must be sent to the presiding officers of both houses of the legislature of

each of the states with the request that it be circulated among legislative branch leaders and that each of the states join in requesting the U.S. Congress to call a convention to initiate a proposal to amend the U.S. Constitution as described in the joint resolution.

**Background:** 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.

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### **Additional Information**

**Prior Introductions:** HJ 11 of 2018, a similar joint resolution, passed in the House with amendments but received an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee. Its cross file, SJ 7 of 2018, also a similar joint resolution, received an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee. SJ 4 of 2017, a similar joint resolution, received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. Its cross file, HJ 6 of 2017, also a similar joint resolution, received a hearing in the House Rules and Executive Nominations Committee, but no further action was taken. In addition, similar joint resolutions were introduced in 2014, 2015, and 2016.

**Cross File:** SJ 1 (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 13, 2019  
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Analysis by: Scott D. Kennedy

Direct Inquiries to:

(410) 946-5510

(301) 970-5510