

Written Testimony for SB0886: FAVORABLE
Education, Energy, and the Environment Committee, 2/26/2025

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Chair and Committee members:

I would like to submit to you my favorable report on SB886, which is, simply put, a procedural definition for Maryland, should an Article V Convention of States ever be called. It is not an application to any one particular effort to call an Article V convention. It is just the rules that surround such an event.

For some background, Article V of the US Constitution defines the method of amending itself. Article V provides two methods for proposing amendments: Congress, and the states. For the state-sourced method, first, State Legislators submit an Article V application to the U.S. Congress. The application defines one or more topics to be discussed at a Convention of States. Once 34 States pass the same Article V application, a Convention of States is called. Each state will participate by sending commissioners to represent its interests, regardless if whether they are one of the 34 states that applied or not.

At this Convention of States, topics within the text of the application are discussed, not unlike a special legislative session within a state (such as the redistricting session called here a few years ago). Amendments are drafted and then voted on by the commissioners, with each state holding a single vote. All draft amendments that receive a majority of, or 26, favorable reports are sent to the States to be ratified. Only after 3/4ths of the states, or 38, vote to ratify amendments do they become part of our nation's Constitution.

SB866 does NOT add Maryland to any of the growing list(s) of states calling for an Article V Amendments Convention. SB866 aims to prepare the General Assembly of Maryland for an Article V convention, and it applies to any Article V conventions that would ever be called. Here is an itemized summary of what is contained in the bill:

- It starts by defining how many commissioners would represent Maryland, and provides some qualifications, to ensure no special interest groups can infiltrate the delegation.
- It contains the oath that each commissioner must bind themselves to.
- It defines the commissioner's roles, responsibilities, and instructions at the convention.
- It provisions a bicameral oversight committee, with the ability to recall any errant commissioners.
- It limits gift contributions to commissioners, to prevent corruption.
- It also binds the commissioners to the subject matter of the application of the convention, preventing any potential "runaway" topics from being entertained, and also explicitly keeps the Civil Rights amendments safe from any alterations.

There are over 33,000 Marylanders who support calling a convention of states to enact some of the structural reform that is necessary for building a more perfect union. They understand that we should have guidelines in place before we convene, especially if Maryland is not required to have an active application to be able to participate, once 34 other states agree on a topic. It is prudent to do this now, as several topics have made significant strides in reaching that 34-state threshold to call a convention. A research group, [the Phoenix Correspondence Commission](#), shows that two separate efforts have 27 and 19 states with applications. An article V convention could happen, and very soon!

The reason states are pursuing this solution is because of how dynamic the federal government has become. The pendulum swings wildly from administration to administration, getting more extreme each time. We don't have to go back very long at all to find examples of how the actions that the U.S. Government takes directly impact Maryland residents. Even more so recently, the actions that the U.S. Government takes directly impact you, the state legislature! Other states see the need for this solution to be employed and are passing similar bills to this one. Maryland may never apply to an Article V convention, but when a convention inevitably occurs, we need to be prepared to answer the call. This bill provides that preparation. Please report favorably on SB886 and pass it to the floor for full discussion and a vote.

Thank you,
Seth Lipko