

House Concurrent Resolution No. 5009

By Committee on Elections

2-8

1 A CONCURRENT RESOLUTION making application to Congress of
2 the United States for a limited national convention for the exclusive
3 purpose of proposing an amendment to the Constitution of the United
4 States that will ensure balance and integrity in our elections.
5

6 WHEREAS, The framers of the Constitution of the United States of
7 America intended that the Congress of the United States of America
8 should be "dependent on the people alone" (James Madison, Federalist
9 52); and

10 WHEREAS, Throughout American history, this dependency has
11 evolved from a dependency on the American people alone to a
12 dependency on powerful special interests, through spending by third-
13 party groups, campaigns or out-of-state donors, which have created a
14 fundamental imbalance in our representative democracy and eroded the
15 people's trust in government; and

16 WHEREAS, Americans across the political spectrum agree that
17 elections in the United States of America should be free from the
18 disproportional influence of special interests and fair enough that any
19 citizen can be elected into office; and

20 WHEREAS, The Constitution of the State of Kansas states that "all
21 political power is inherent in the people, and all free governments are
22 founded on their authority, and are instituted for their equal protection
23 and benefit" (Bill of Rights, Section 2); and

24 WHEREAS, Article V of the Constitution of the United States
25 requires the Congress of the United States to call a convention for
26 proposing amendments to the federal Constitution upon the application of
27 two-thirds of the legislatures of the several states; and

28 WHEREAS, The Kansas Legislature perceives the need for an
29 amendments convention in order to ensure balance and integrity in our
30 elections by proposing an amendment to the federal Constitution that will
31 permanently protect fair elections in America, by addressing, inter alia,
32 issues raised by the decisions of the United States Supreme Court in
33 *Citizens United v. Federal Election Commission*, 130 S.Ct. 876 (2010),
34 and related cases, and desires that such convention should be so limited;
35 and

36 WHEREAS, A national convention would give the American people

1 an opportunity to come together as a nation, by discussing solutions on
2 how to ensure the integrity of our elections and renew the American
3 people's trust in government; and

4 WHEREAS, Article V of the Constitution of the United States clearly
5 states that any amendment, whether proposed by the Congress of the
6 United States or by a convention, must be ratified by 75% of the states,
7 presently 38 states, ensuring that only the most reasonable proposals with
8 widespread support shall become part of the Constitution of the United
9 States; and

10 WHEREAS, Notwithstanding any federal or Kansas law to the
11 contrary, the State of Kansas desires its delegates to such a national
12 convention to be composed equally of individuals currently elected to
13 state and local offices or to be selected by election in each congressional
14 district in Kansas, except that all individuals elected or appointed to
15 federal office, now or in the past, shall be prohibited from serving as
16 Kansas delegates. The State of Kansas intends to retain the ability to
17 enforce the responsibility and conduct of its delegation within the limits
18 herein expressed; and

19 WHEREAS, The State of Kansas intends that this shall be a
20 continuing application to be considered, together with applications calling
21 for a convention passed by the 2013-2014 Vermont legislature as R454,
22 the 2013-2014 California legislature as Resolution Chapter 77, the 98th
23 Illinois General Assembly as SJR 42, the 2014-2015 New Jersey
24 legislature as SCR 132, the 2015-2016 Rhode Island legislature as HR
25 7670 and SR 2589, and all other passed, pending and future applications,
26 until such time as two-thirds of the several states have applied for a
27 convention for a similar purpose and such convention is convened by the
28 Congress of the United States: Now, therefore,

29 *Be it resolved by the House of Representatives of the State of Kansas,*
30 *the Senate concurring therein:* That the people of the State of Kansas,
31 speaking through its legislature and pursuant to Article V of the
32 Constitution of the United States, hereby apply to the Congress of the
33 United States to call a convention for the exclusive purpose of proposing
34 an amendment to the Constitution of the United States that will
35 permanently protect fair elections as described herein, as soon as two-
36 thirds of the several states have applied for a convention for a similar
37 purpose; and

38 *Be it further resolved:* That the Secretary of State shall send enrolled
39 copies of this resolution to the President of the United States, the Vice
40 President of the United States in the Vice President's capacity as presiding
41 officer of the United States Senate, the Speaker of the United States
42 House of Representatives, the Minority Leader of the United States
43 House of Representatives, the President Pro Tempore of the United States

1 Senate, each Senator and Representative from Kansas in the Congress of
2 the United States, with the respectful request that the full and complete
3 text of this resolution be printed in the *Congressional Record*, the
4 presiding officers of each legislative body of each of the several states,
5 requesting the cooperation of the states in issuing an application
6 compelling the Congress of the United States to call a convention for
7 proposing amendments pursuant to Article V of the Constitution of the
8 United States.