

SENATE JOINT RESOLUTION 2

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By: **Senators Pinsky, Benson, Conway, Feldman, Ferguson, Gladden, Guzzone, King, Lee, Manno, McFadden, Montgomery, Nathan–Pulliam, Ramirez, and Raskin**

Introduced and read first time: February 6, 2015
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 31, 2015

RESOLUTION NO. _____

1 A Senate Joint Resolution concerning

2 **United States Constitution – Amendments Convention – Democracy Amendment**

3 FOR the purpose of applying to the U.S. Congress for an amendments convention called
4 under Article V of the U.S. Constitution, on the application of the legislatures of
5 two–thirds of the several states, to propose an amendment to the U.S. Constitution
6 that affirms every citizen’s ~~freedom~~ individual right to vote and restores free and fair
7 ~~elections in America~~, reserves inalienable political rights to natural persons, and
8 authorizes regulation of campaign contributions and electioneering expenditures;
9 and generally relating to an application to Congress for a convention to propose an
10 amendment to the U.S. Constitution.

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

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

17 WHEREAS, It was the stated intention of the framers of the U.S. Constitution that
18 the Congress of the United States of America should be “dependent on the people alone”
19 (James Madison, Federalist #52, in the Federalist Papers); and

20 WHEREAS, The U.S. Supreme Court has removed the wall of separation between
21 private wealth and democratic elections by removing prohibitions against unlimited

EXPLANATION:

Underlining indicates amendments to bill.

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



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1 electoral expenditures in Citizens United v. Federal Election Commission, McCutcheon v.
2 Federal Election Commission, and related cases; and

3 WHEREAS, The U.S. Congress has failed to propose a constitutional amendment to
4 protect the ~~freedom individual right~~ to vote and to ~~secure free and fair elections in order to~~
5 restore confidence in the integrity of our elections and government; and

6 WHEREAS, ~~Decisions~~ The people have the right to choose the leaders who write our
7 laws, but decisions of the U.S. Supreme Court and corresponding inaction by the U.S.
8 Congress have ~~turned our public elections into private auctions~~ undermined the American
9 principle of self-government, necessitating that Americans take action to defend the
10 republic and strengthen our democracy; and

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

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

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

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

25 WHEREAS, The General Assembly of Maryland desires that the delegates to the
26 convention be composed of citizens ~~elected in the states~~, in numbers equal to the number
27 of presidential electors in the ~~states~~, State and reflective of the voter registration in the
28 State, who are elected by the people voting at large ~~in the states~~ and selected by the General
29 Assembly from among State and local officials; and

30 WHEREAS, The General Assembly of Maryland desires that the delegates from ~~a~~
31 ~~state~~ the State be composed of an equal number of men and women, ~~except for states that~~
32 ~~have an odd number of presidential electors in which case the delegates of one gender may~~
33 ~~outnumber the delegates of the other gender by one~~ whose goals can be ensured by electing
34 half of the delegates and appointing half of the delegates; and

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

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

3 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That, as provided
4 in Article V of the U.S. Constitution, the General Assembly of Maryland respectfully applies
5 to the U.S. Congress for an amendments convention to be called, as soon as two-thirds of
6 the several states have applied for a convention, for the purpose of proposing an
7 amendment to the U.S. Constitution ~~to affirm~~ limited to affirming every citizen's freedom
8 individual right to vote and restore free and fair elections in America, reserving inalienable
9 political rights to natural persons and authorizing the regulation of campaign contributions
10 and electioneering expenditures; and be it further

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

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

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

20 (1) the Honorable Joseph R. Biden, Jr., Vice President of the United States,
21 President of the United States Senate, Suite S-212, United States Capitol Building,
22 Washington, D.C. 20510; the Honorable Orrin Hatch, President Pro Tempore of the United
23 States Senate, 104 Hart Office Building, Washington, D.C. 20510; and the Honorable John
24 Boehner, Speaker of the United States House of Representatives, 1011 Longworth House
25 Office Building, Washington, D.C. 20515; and

26 (2) the Maryland Congressional Delegation: Senators Barbara A. Mikulski
27 and Benjamin L. Cardin, Senate Office Building, Washington, D.C. 20510; and
28 Representatives Andrew P. Harris, C. A. Dutch Ruppersberger III, John P. Sarbanes,
29 Donna Edwards, Steny Hamilton Hoyer, John Delaney, Elijah E. Cummings, and
30 Christopher Van Hollen, Jr., House Office Building, Washington, D.C. 20515; and

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

34 (4) the Honorable Julie E. Adams, Secretary of the United States Senate,
35 United States Capitol Building, Suite S-312, Washington, D.C. 20510; the Honorable
36 Elizabeth MacDonough, Parliamentarian of the United States Senate, United States
37 Capitol Building, Suite S-133, Washington, D.C. 20510; the Honorable Karen L. Haas,
38 Clerk of the United States House of Representatives, Suite H-154, United States Capitol
39 Building, Washington, D.C. 20515; and the Honorable Thomas J. Wickham, Jr.,

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1 Parliamentarian of the United States House of Representatives, Room H-209, United
2 States Capitol Building, Washington, D.C. 20515, requesting that they publish this Joint
3 Resolution in the Congressional Record and list this application in the official tally of state
4 legislative applications for a convention of the states under Article V of the U.S.
5 Constitution; and be it further

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

Approved:

President of the Senate.

Speaker of the House of Delegates.