

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

SENATE JOINT RESOLUTION

A Senate Joint Resolution concerning

United States Constitutional Convention – Democracy Amendment

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

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

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

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

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



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

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

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

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

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

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

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

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

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

WHEREAS, The General Assembly of Maryland desires that the delegates from a state be composed of an equal number of men and women, except for states that

have an odd number of presidential electors in which case the delegates of one gender may outnumber the delegates of the other gender by one; and

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

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

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

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

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

RESOLVED, That copies of this Resolution be sent by the Secretary of State to:

(1) the President Pro Tempore of the United States Senate and the Speaker of the United States House of Representatives;

(2) all members of the Maryland Congressional Delegation;

(3) the Archivist of the United States; and

(4) the Clerks of both the United States Senate and the United States House of Representatives, requesting that they record this application in the published tally of state applications for a convention of the states under Article V of the U.S. Constitution; and be it further

RESOLVED, That the Secretary of State is directed to send copies of this Joint Resolution to the presiding officers of both Houses of the legislature of each of the several states, with the request that it be circulated among leaders in the legislative branch of the state governments; and with the further request that each of the states join in requesting the U.S. Congress to call a constitutional convention for the purpose

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of initiating a proposal to amend the U.S. Constitution as described in this Joint Resolution.