

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Joint Resolution 8 (Delegate Smith, *et al.*)
Rules and Executive Nominations

United States Constitution - Amendments Convention - Democracy Amendment

This 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 limited to one or more of the following: (1) affirming every citizen's individual right to vote; (2) reserving inalienable political rights to natural persons; or (3) authorizing the regulation of contributions and expenditures intended to influence elections. Delegates to the convention from Maryland may not propose amendments that do not have the primary goals of addressing the purpose for which the amendments convention is called. The application constitutes a continuing application until at least two-thirds of the legislatures of the several states have made application for an equivalently limited amendments convention. 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.

Fiscal Summary

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

Local Effect: None.

Small Business Effect: None.

Analysis

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.

Additional Information

Prior Introductions: SJ 2 of 2015, a similar joint resolution, was passed with amendments in both the Senate and the House, and a conference committee was appointed by the Senate, but no further action was taken. Its cross file, HJ 2, also a similar joint resolution, passed in the House with amendments, and was referred to the Senate Rules Committee, but no further action was taken. In addition, similar joint resolutions were introduced in 2014.

Cross File: SJ 2 (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 17, 2016
md/hlb

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510