

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Joint Resolution 5 (Delegate McKay, *et al.*)
Rules and Executive Nominations

**United States Constitution - Amendments Convention - Congressional Term
Limits Amendment**

This joint resolution applies to the U.S. Congress for an amendments convention to be called for the purpose of proposing a congressional term limits amendment to the U.S. Constitution.

Fiscal Summary

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

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The 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 to the U.S. Constitution limited to setting a limit on the number of terms that a person may be elected as a member of the U.S. House of Representatives and a member of the U.S. Senate.

The application must be considered as covering the same subject matter as the applications from other states to the U.S. Congress to call a convention to set congressional term limits. The application must be aggregated with those applications for the purpose of attaining the

two-thirds of states necessary to require Congress to call a limited convention on the subject but may not be aggregated with any other applications on any other subject.

The application constitutes a continuing application until at least two-thirds of the legislatures of the several states have made an 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.

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: HJ 1 of 2019 received an unfavorable report from the House Rules and Executive Nominations Committee. Its cross file, SJ 3, was referred to the Senate Rules Committee, but no further action was taken. HJ 4 of 2018 received an unfavorable report from the House Rules and Executive Nominations Committee.

Designated Cross File: None.

Information Source(s): U.S. Senate; Department of Legislative Services

Fiscal Note History: First Reader - February 27, 2020
mr/hlb

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