

HOUSE No. 3127

The Commonwealth of Massachusetts

PRESENTED BY:

Cory Atkins and James B. Eldridge

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act For a U.S. Constitutional Amendment and Amendments Convention.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>Brendan P. Crighton</i>	<i>11th Essex</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>

<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Brian R. Mannel</i>	<i>2nd Barnstable</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Dennis A. Rosa</i>	<i>4th Worcester</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>Jeffrey Sánchez</i>	<i>15th Suffolk</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Theodore C. Speliotis</i>	<i>13th Essex</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>

<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>Paul Tucker</i>	<i>7th Essex</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>
<i>Benjamin B. Downing</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Brian A. Joyce</i>	<i>Norfolk, Bristol and Plymouth</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>
<i>Thomas P. Kennedy</i>	<i>Second Plymouth and Bristol</i>
<i>Barbara L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>
<i>Anthony W. Petruccelli</i>	<i>First Suffolk and Middlesex</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>
<i>James E. Timilty</i>	<i>Bristol and Norfolk</i>
<i>Daniel A. Wolf</i>	<i>Cape and Islands</i>

HOUSE No. 3127

By Representative Atkins of Concord and Senator Eldridge, a joint petition (accompanied by bill, House, No. 3127) of Cory Atkins and others for the adoption of resolutions memorializing the Congress of the United States to convene a Constitutional Convention to consider amendments to the Constitution to limit the influence of money in our political system. Veterans and Federal Affairs.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act For a U.S. Constitutional Amendment and Amendments Convention.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 WHEREAS, the 1st President of the United States George Washington stated, "The basis
2 of our political systems is the right of the people to make and to alter their Constitutions of
3 Government." and,

4 WHEREAS, it was the stated intention of the framers of the Constitution of the United
5 States of America that the Congress of the United States of America should be "dependent on the
6 people alone." (James Madison, Federalist 52); and,

7 WHEREAS, that dependency has evolved from a dependency on the people alone to a
8 dependency on those who spend excessively in elections, through campaigns or third-party
9 groups; and,

10

11 WHEREAS, the United States Supreme Court ruling in Citizens United v. Federal
12 Election Commission, 558 U.S. 310 (2010) removed restrictions on amounts of independent
13 political spending; and,

14

15 WHEREAS, the removal of those restrictions has resulted in the unjust influence of
16 powerful economic forces, which have supplanted the will of the people by undermining our
17 ability to choose our political leadership, write our own laws, and determine the fate of our state;
18 and

19 WHEREAS, corporations are artificial entities that governments create and, as such, do
20 not possess the same unalienable rights of natural persons protected by the Constitution; and

21 WHEREAS, corporations have used a claim to the rights enumerated in the US
22 Constitution, including under the 1st, 4th, 5th and 14th Amendments, to challenge and overturn
23 democratically enacted laws protecting the public interest; and

24

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

29 WHEREAS the Commonwealth of Massachusetts sees the need for a convention to
30 propose amendments in order to address concerns about the integrity of our elections and about
31 the ability of the people to participate in effective self-government, specifically those concerns

32 arising from the United States Supreme Court’s rulings limiting the ability of the legislature to
33 regulate the raising and spending of money in elections and granting constitutional rights to
34 corporations; and desires that said convention should be so limited; and

35 WHEREAS the Commonwealth of Massachusetts desires that the delegates to said
36 convention shall be comprised equally from individuals currently elected to state and local
37 office, or be selected by election in each Congressional district for the purpose of serving as
38 delegates, though all individuals elected or appointed to federal office, now or in the past, be
39 prohibited from serving as delegates to the Convention, and intends to retain the ability to restrict
40 or expand the power of its delegates within the limits expressed above; and

41 WHEREAS the Commonwealth of Massachusetts intends that this application shall
42 constitute a continuing application, considered together with applications on this subject such as
43 those passed by the State of Vermont (2013-2014 Vermont R454, Joint Resolution Senate No.
44 27, 160 Congressional Record S4331, POM-284), the State of California (2014 California
45 Resolution Chapter 77, Assembly Joint Resolution No. 1, 160 Congressional Record S5507,
46 POM-320), the State of Illinois (2014 Illinois Senate Joint Resolution No. 42), and proposed by
47 the State of Montana (2015 Montana HJ-3), and all other passed, pending, and future
48 applications, the aforementioned concerns of Massachusetts notwithstanding until such time as
49 two-thirds of the Several States have applied for a Convention and said Convention is convened
50 by Congress;

51

52 Therefore, BE IT RESOLVED by the Legislature of the Commonwealth of
53 Massachusetts that it calls on Congress to propose an amendment to the Constitution that would
54 affirm that

55 a) the rights protected by the Constitution of the United States are the rights of natural
56 persons, i.e. human individuals, only and

57 b) Congress and the states shall place limits on political contributions and expenditures to
58 ensure that all citizens have access to the political process, and the spending of money to
59 influence elections is not protected free speech under the First Amendment; and

60 Be it further Resolved that if Congress does not propose this constitutional amendment
61 within 6 months of the passage of this bill, then this bill constitutes a petition by the
62 Commonwealth of Massachusetts, speaking through its legislature, and pursuant to Article V of
63 the United States Constitution, to the Congress to call a Convention for the purpose of proposing
64 Amendments to the Constitution of the United States of America as soon as two-thirds of the
65 several States have applied for a Convention; and,

66 Be it further Resolved, that the Clerk of the Massachusetts House of Representatives and
67 Clerk of the Senate transmit copies of this resolution to the President and Vice President of the
68 United States, the Speaker of the United States House of Representatives, the Minority Leader of
69 the United States House of Representatives, the President Pro Tempore of the United States
70 Senate, to each Senator and Representative from Massachusetts in the Congress of the United
71 States, to the Governor of each State, and to the presiding officers of each legislative body of
72 each of the several States, requesting the cooperation of the several States in issuing an

73 application compelling Congress to call a convention for proposing amendments pursuant to
74 Article V of the United States Constitution.