

Introduced by

Representatives M. Nelson, Boschee

1 A concurrent resolution urging Congress to call a convention to propose an amendment to the
2 United States Constitution which will restore free and fair elections.

3 **WHEREAS**, the framers of the United States Constitution intended that Congress should be
4 "dependent on the people alone" (James Madison, Federalist No. 52, New York Packet,
5 February 8, 1788); and

6 **WHEREAS**, that dependency has evolved from a dependency on the people alone to a
7 dependency on powerful special interests, through campaigns or third-party groups, which has
8 created a fundamental imbalance in our representative democracy; and

9 **WHEREAS**, Americans across the political spectrum agree that elections in the United
10 States should be free from the disproportional influence of special interests and fair enough that
11 any citizen can be elected into office; and

12 **WHEREAS**, Section 2 of Article I of the Constitution of North Dakota states "all political
13 power is inherent in the people", that "Government is instituted for the [...] benefit of the people,
14 and they have a right to alter or reform the same whenever the public good may require"; and

15 **WHEREAS**, Article V of the United States Constitution requires Congress to call a
16 convention for proposing amendments to the United States Constitution on the application of
17 two-thirds of the legislatures of the several states; and

18 **WHEREAS**, the Legislative Assembly perceives the need for an amendments convention to
19 restore balance and integrity to our elections by proposing an amendment to the United States
20 Constitution which will permanently protect free and fair elections in America by addressing,
21 inter alia issues raised by the decisions of the United States Supreme Court in *Citizens United*
22 *v. Federal Election Commission* (2010) 130 S.Ct. 876, and related cases and events, and
23 desires the convention should be so limited; and

24 **WHEREAS**, the Legislative Assembly desires the delegates to the amendments convention
25 shall be comprised equally of individuals currently elected to state and local office, or be

1 selected by election, for the purpose of serving as delegates, though all individuals elected or
2 appointed to federal office, now or in the past, be prohibited from serving as delegates to the
3 convention, and intends to retain the ability to restrict or expand the power of its delegates
4 within the limits expressed herein; and

5 **WHEREAS**, the Legislative Assembly intends this to be a continuing application considered
6 together with applications calling for a convention passed in the 2013-2014 Vermont legislature
7 as R454, the 2013-2014 California legislature as Resolution Chapter 77, the 98th Illinois General
8 Assembly as SJR 42, the 2014-2015 New Jersey legislature as SCR 132, the 2015-2016
9 Rhode Island legislature as HR 7670 and SR 2589, and all other passed, pending, and future
10 applications until such time as two-thirds of the several states have applied for a convention for
11 a similar purpose and a convention is convened by Congress;

12 **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF**
13 **NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

14 That the Sixty-fifth Legislative Assembly applies to Congress to call a convention for the
15 exclusive purpose of proposing an amendment to the United States Constitution which will
16 restore free and fair elections, pursuant to Article V of the United States Constitution, as soon
17 as two-thirds of the several states have applied for a convention for a similar purpose; and

18 **BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution
19 to the President of the United States, the Vice President of the United States in his capacity as
20 presiding officer of the United States Senate, the Speaker of the United States House of
21 Representatives, the Minority Leader of the United States House of Representatives, the
22 President Pro Tempore of the United States Senate, each member of the North Dakota
23 Congressional Delegation with the respectful request the full and complete text of this resolution
24 be printed in the Congressional Record, and to the presiding officers of each legislative body of
25 each of the several states with a request for the cooperation of the states in issuing an
26 application compelling Congress to call a convention for proposing amendments pursuant to
27 Article V of the United States Constitution.