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I N S E N A T E

February 5, 2014

Introduced by Sens. KRUEGER, HOYLMAN -- read twice and ordered printed,
and when printed to be committed to the Committee on Judiciary

AN ACT on the application of the legislature of the state of New York
petitioning the Congress of the United States of America to call a
national constitutional convention to propose amendments in order to
address concerns raised by the decision of the United States Supreme
Court in CITIZENS UNITED V. FEDERAL ELECTION COMMISSION 130 S.Ct. 876

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Legislative findings and intent. The legislature finds
2 that:
- 3 a. the first President of the United States, George Washington, stat-
4 ed: "The basis of our political systems is the right of the people to
5 make and to alter their Constitutions of Government.";
- 6 b. it was the stated intention of the framers of the Constitution of
7 the United States of America that the Congress of the United States of
8 America should be "dependent on the people alone." (James Madison,
9 Federalist 52);
- 10 c. that dependency has evolved from a dependency on the people alone
11 to a dependency on those who spend excessively in elections, through
12 campaigns or third-party groups;
- 13 d. the United States Supreme Court ruling in CITIZENS UNITED V.
14 FEDERAL ELECTION COMMISSION 558 U.S. 310 (2010) removed restrictions on
15 amount of independent political spending;
- 16 e. the removal of those restrictions has resulted in the unjust influ-
17 ence of powerful economic forces, which have supplanted the will of the
18 people by undermining our ability to choose our political leadership,
19 write our own laws, and determine the fate of our state; and
- 20 f. Article V of the United States Constitution requires the United
21 States Congress to call a convention for proposing amendments upon
22 application of two-thirds of the legislatures of the several states for
23 the purpose of proposing amendments to the United States Constitution.
- 24 S 2. The legislature declares that:

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 a. the State of New York sees the need for a convention to propose
2 amendments in order to address concerns such as those raised by the
3 decision of the United States Supreme Court in CITIZENS UNITED V.
4 FEDERAL ELECTION COMMISSION (2010) 130 S.Ct. 876 and related cases and
5 events including those occurring long before or afterward or for a
6 substantially similar purpose, and desires that said convention should
7 be so limited; and

8 b. the State of New York desires that the delegates to said convention
9 shall be comprised equally from individuals currently elected to state
10 and local office, or be selected by election in each Congressional
11 district for the purpose of serving as delegates, though all individuals
12 elected or appointed to federal office, now or in the past, be prohibit-
13 ed from serving as delegates to the Convention, and intends to retain
14 the ability to restrict or expand the power of its delegates within the
15 limits expressed above; and

16 c. the State of New York intends that this be a continuing application
17 considered together with applications calling for a convention currently
18 pending in the 188th Massachusetts legislature as S.1727 and H.3190, the
19 2013-2014 Vermont legislature as SJR 27 and the 2013-2014 California
20 legislature as AJR 1, the 97th Michigan legislature as House Joint
21 Resolution BB and all other passed, pending, and future applications,
22 the aforementioned concerns of New York notwithstanding until such time
23 as two-thirds of the several States have applied for a Convention and
24 said Convention is convened by Congress.

25 S 3. Pursuant to Article V of the United States Constitution, the
26 Legislature hereby petitions the United States Congress to call a
27 Convention for the purpose of proposing Amendments to the Constitution
28 of the United States of America as soon as two-thirds of the several
29 States have applied for a Convention.

30 S 4. The Governor of the State of New York shall transmit copies of
31 this act to the President and Vice President of the United States, the
32 Speaker of the United States House of Representatives, the Minority
33 Leader of the United States House of Representatives, the President Pro
34 Tempore of the United States Senate, to each Senator and Representative
35 from New York in the Congress of the United States, to the Governor of
36 each State, and to the presiding officers of each legislative body of
37 each of the several States, requesting the cooperation of the several
38 States in issuing an application compelling Congress to call a conven-
39 tion for proposing amendments pursuant to Article V of the United States
40 Constitution.

41 S 5. This act shall take effect immediately.