S T A T E O F N E W Y O R K

7176

2015-2016 Regular Sessions

I N A S S E M B L Y

April 27, 2015

Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Election Law

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative findings and intent. The legislature finds that:

a. the first President of the United States, George Washington, stated: "The basis of our political systems is the right of the people to make and to alter their Constitutions of Government.";

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

c. that dependency has evolved from a dependency on the people alone to a dependency on those who spend excessively in elections, through campaigns or third-party groups;

d. the United States Supreme Court ruling in CITIZENS UNITED V. FEDERAL ELECTION COMMISSION 558 U.S. 310 (2010) removed restrictions on amount of independent political spending;

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

f. Article V of the United States Constitution requires the United States Congress to call a convention for proposing amendments upon

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

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application of two-thirds of the legislatures of the several states for the purpose of proposing amendments to the United States Constitution.

S 2. The legislature declares that:

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

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

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

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

S 4. The Governor of the State of New York shall transmit copies of this act to the President and Vice President of the United States, the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the President Pro Tempore of the United States Senate, to each Senator and Representative from New York in the Congress of the United States, to the Governor of each State, and to the presiding officers of each legislative body of each of the several States, requesting the cooperation of the several States in issuing an application compelling Congress to call a convention for proposing amendments pursuant to Article V of the United States Constitution.

S 5. This act shall take effect immediately.