

# STATE OF NEW YORK

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5109

2017-2018 Regular Sessions

## IN ASSEMBLY

February 6, 2017

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Introduced by M. of A. ROSENTHAL, SEAWRIGHT, STECK, ORTIZ, GALEF, THIELE, STIRPE, LUPARDO, SKOUFIS, WEPRIN, SKARTADOS, CAHILL, ZEBROWSKI, MOSLEY, PICHARDO, LIFTON, QUART, SIMON, FAHY, JEAN-PIERRE, RIVERA -- Multi-Sponsored by -- M. of A. BARRON, DILAN, ENGLEBRIGHT, GLICK, HEVESI, MONTESANO, PAULIN, RAMOS, RICHARDSON, SEPULVEDA, TITONE -- 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:

- 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

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

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1 people by undermining our ability to choose our political leadership,  
2 write our own laws, and determine the fate of our state; and

3 f. Article V of the United States Constitution requires the United  
4 States Congress to call a convention for proposing amendments upon  
5 application of two-thirds of the legislatures of the several states for  
6 the purpose of proposing amendments to the United States Constitution.

7 § 2. The legislature declares that:

8 a. the State of New York sees the need for a convention to propose  
9 amendments in order to address concerns such as those raised by the  
10 decision of the United States Supreme Court in Citizens United v.  
11 Federal Election Commission (2010) 130 S.Ct. 876 and related cases and  
12 events including those occurring long before or afterward or for a  
13 substantially similar purpose, and desires that said convention should  
14 be so limited; and

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

23 c. the State of New York intends that this be a continuing application  
24 considered together with applications calling for a convention currently  
25 pending in the 188th Massachusetts legislature as S.1727 and H.3190, the  
26 2013-2014 Vermont legislature as SJR 27 and the 2013-2014 California  
27 legislature as AJR 1, the 97th Michigan legislature as House Joint  
28 Resolution BB and all other passed, pending, and future applications,  
29 the aforementioned concerns of New York notwithstanding until such time  
30 as two-thirds of the several States have applied for a Convention and  
31 said Convention is convened by Congress.

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

37 § 4. The Governor of the State of New York shall transmit copies of  
38 this act to the President and Vice President of the United States, the  
39 Speaker of the United States House of Representatives, the Minority  
40 Leader of the United States House of Representatives, the President Pro  
41 Tempore of the United States Senate, to each Senator and Representative  
42 from New York in the Congress of the United States, to the Governor of  
43 each State, and to the presiding officers of each legislative body of  
44 each of the several States, requesting the cooperation of the several  
45 States in issuing an application compelling Congress to call a conven-  
46 tion for proposing amendments pursuant to Article V of the United States  
47 Constitution.

48 § 5. This act shall take effect immediately.