

# STATE OF NEW YORK

428

2021-2022 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. L. ROSENTHAL, SEAWRIGHT, STECK, GALEF, THIELE, STIRPE, LUPARDO, WEPRIN, CAHILL, ZEBROWSKI, PICHARDO, QUART, SIMON, FAHY, JEAN-PIERRE, J. RIVERA, CARROLL, TAYLOR, EPSTEIN, RODRIGUEZ, NIOU, ANDERSON, DE LA ROSA, REYES, KIM -- Multi-Sponsored by -- M. of A. BARRON, DILAN, ENGLEBRIGHT, GLICK, HEVESI, MONTESANO, PAULIN, RAMOS, RICHARDSON -- 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;

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

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

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

9 § 2. The legislature declares that:

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

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

25 c. the State of New York intends that this be a continuing application  
26 considered together with applications calling for a convention passed in  
27 the 2013-2014 Vermont Legislature as R-454; the 2013-2014 California  
28 Legislature as Concurrent Resolution No. 1, Chapter 77; the 98th Illi-  
29 nois General Assembly as SJR 42; the 2014-2015 New Jersey Legislature as  
30 SCR 132; the 2015-2016 Rhode Island Legislature as HR 7670 and SR 2589;  
31 and all other passed, pending, and future applications until such time  
32 as two-thirds of the several states have applied for a convention for a  
33 similar purpose and said convention is convened by Congress.

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

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

50 § 5. This act shall take effect immediately.