

Regular Session, 2014

HOUSE CONCURRENT RESOLUTION NO. 28

BY REPRESENTATIVE RICHARD

CONGRESS: Applies to the U.S. Congress to call a convention for the purpose of proposing amendments to the U.S. Constitution to address concerns raised by the 2010 decision of the U.S. Supreme Court in *Citizens United v. Federal Election Commission*

1 A CONCURRENT RESOLUTION

2 To apply to the Congress of the United States to call a convention, pursuant to Article V of

3 the Constitution of the United States of America, for the sole and limited purpose of

4 proposing an amendment or amendments to the Constitution of the United States of

5 America to address concerns raised by the decision of the United States Supreme

6 Court in the case of *Citizens United v. Federal Election Commission*.

7 WHEREAS, the first president of the United States, George Washington, stated that

8 "The basis of our political systems is the right of the people to make and to alter their

9 Constitutions of Government"; and

10 WHEREAS, it was the stated intention of the framers of the Constitution of the

11 United States of America that the Congress of the United States of America should be

12 "dependent on the people alone" (*James Madison, Federalist 52*); and

13 WHEREAS, that dependency has evolved from a dependency on the people alone

14 to a dependency on those who spend excessively in elections, through campaigns or third-

15 party groups; and

16 WHEREAS, the United States Supreme Court ruling in *Citizens United v. Federal*

17 *Election Commission*, 558 U.S. 310 (2010) removed restrictions on amounts of independent

18 political spending; and

19 WHEREAS, the removal of those restrictions has resulted in the unjust influence of

20 powerful economic forces, which have supplanted the will of the people by undermining the

1 ability of citizens to choose their political leadership, write their own laws, and determine
2 the fate of the nation and the states; and

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

6 WHEREAS, the state of Louisiana sees the need for a convention for the purpose of
7 proposing amendments to the the United States Constitution in order to address concerns
8 raised by the decision of the United States Supreme Court in *Citizens United v. Federal*
9 *Election Commission* and related cases and events, including those occurring long before or
10 afterward, and desires that the convention should be limited to such purposes or substantially
11 similar purposes; and

12 WHEREAS, the state of Louisiana desires that the delegates to the convention shall
13 be comprised equally from individuals currently elected to state and local office or be
14 selected by election in each congressional district and that all individuals elected or
15 appointed to federal office, now or in the past, be prohibited from serving as delegates to the
16 convention, and the state of Louisiana intends to retain the ability to restrict or expand the
17 power of its delegates within the limits expressed in this Resolution.

18 THEREFORE, BE IT RESOLVED that, pursuant to Article V of the Constitution of
19 the United States and effective upon adoption of this Resolution, the Legislature of
20 Louisiana does hereby make application to the Congress of the United States to call a
21 convention for the specific and exclusive purpose of proposing an amendment or
22 amendments to the Constitution of the United States of America, for submission to the states
23 for ratification, to address concerns raised by the decision of the United States Supreme
24 Court in *Citizens United v. Federal Election Commission* and related cases and events.

25 BE IT FURTHER RESOLVED that this application and request be deemed null and
26 void, rescinded, and of no effect if such convention is not limited to such specific and
27 exclusive purpose.

28 BE IT FURTHER RESOLVED that this application by this legislature constitutes
29 a continuing application in accordance with Article V of the Constitution of the United

1 States until at least a two-thirds of the legislatures of the several states have made application
2 for a similar convention pursuant to Article V.

3 BE IT FURTHER RESOLVED that the clerk of the Louisiana House of
4 Representatives shall transmit copies of this Concurrent Resolution to the president of the
5 United States, to the president and the secretary of the United States Senate, to the speaker
6 and clerk of the United States House of Representatives, to each member of this state's
7 delegation to the congress, and to the presiding officer of each house of each state legislature
8 in the United States requesting the cooperation of the several states in applying to congress
9 to call a convention for the purpose of proposing amendments pursuant to Article V of the
10 United States Constitution for the purpose provided in this Resolution.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Richard

HCR No. 28

Applies to the U.S. Congress to call a convention, pursuant to Article V of the U.S. Constitution, for the sole and limited purpose of proposing an amendment or amendments to the U.S. Constitution to address concerns raised by the decision of the U.S. Supreme Court in the case of *Citizens United v. Federal Election Commission*, which removed restrictions on amounts of independent political spending.

Expresses intent that convention delegates be comprised equally from individuals currently elected to state and local office, or be selected by election in each congressional district, and that individuals elected or appointed to federal office, now or in the past, be prohibited from serving as delegates. Also expresses intent of the state of La. to retain the ability to restrict or expand the power of its delegates within the limits expressed in the resolution.