

## 1 HOUSE JOINT RESOLUTION NO. 3

2 INTRODUCED BY E. HILL

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4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF  
5 MONTANA URGING THE RESTORATION OF FREE AND FAIR ELECTIONS IN AMERICA; AND PROVIDING  
6 FOR THE APPLICATION FOR AN ARTICLE V AMENDMENTS CONVENTION TO BE CALLED FOR THE  
7 PURPOSE OF PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES.

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9 WHEREAS, the first President of the United States, George Washington, stated, "The basis of our  
10 political system is the right of the people to make and to alter their Constitutions of Government"; and

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

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

16 WHEREAS, the Tenth Amendment to the United States Constitution states "The powers not delegated  
17 to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively,  
18 or to the people", which has consistently been interpreted to allow the several states to establish their own laws  
19 governing the financing of elections; and

20 WHEREAS, since 1912, through passage of the Corrupt Practices Act by initiative, and again in 1996  
21 by passage of Initiative No. 125, the State of Montana has consistently exercised its legal authority to mitigate  
22 corrupting influences in its electoral process; and

23 WHEREAS, the United States Supreme Court ruling in Citizens United v. Federal Election Commission,  
24 558 U.S. 310 (2010), removed restrictions on amounts of independent political spending, establishing a de facto  
25 imposition on the several states and denying them the ability to establish their own laws governing the financing  
26 of elections; and

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

30 WHEREAS, in November 2012, Montanans voted overwhelmingly to enact Initiative No. 166, which

1 clearly expressed the State of Montana's desire to remove the corrupting influence of money in elections and  
2 restore free and fair elections by amending the Constitution of the United States; and

3 WHEREAS, the State of Montana charged its congressional delegation to work diligently to secure a vote,  
4 passage, and submission to the states for ratification of such an amendment; and

5 WHEREAS, the United States Congress has failed to act according to the will of the people and submit  
6 such an amendment for ratification by the states; and

7 WHEREAS, Article V of the United States Constitution included the convention method of proposing  
8 federal constitutional amendments so that the several states could protect themselves, and their citizens, from  
9 encroachments of the federal government in the event that the federal government became unresponsive to the  
10 will of the American people; and

11 WHEREAS, the 34th President of the United States, Dwight D. Eisenhower, stated "Through their state  
12 legislatures and without regard to the federal government, the people can demand a convention to propose  
13 amendments that can and will reverse any trends they see as fatal to true representative government"; and

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

17 WHEREAS, the State of Montana sees the need for a convention to propose amendments in order to  
18 address concerns such as those raised by the decision of the United States Supreme Court in *Citizens United*  
19 *v. Federal Election Commission* (2010) and related cases and events, including those occurring long before or  
20 afterward or for a substantially similar purpose, and desires that the convention should be so limited; and

21 WHEREAS, the Montana Legislature intends that the Montana delegates to the convention be equally  
22 made up of individuals currently elected to state and local office or that delegates be selected by election in each  
23 congressional district in Montana, but that any individual who is or has ever been elected or appointed to federal  
24 office be prohibited from serving as a Montana delegate to an amendments convention; and

25 WHEREAS, the Legislature further intends to retain the ability to restrict or expand the authority of its  
26 Montana delegates within the limits expressed in this resolution; and

27 WHEREAS, the Legislature of the State of Montana intends that this joint resolution be a continuing  
28 application considered together with similar applications calling for a convention on this subject, such as those  
29 approved by Vermont legislators (J.R.S. No. 27) and by California lawmakers (A.J.R. No. 1), and as considered  
30 during 2014 in the Illinois General Assembly (S.J.R. No. 42), and as proposed in the state legislatures of New

1 Mexico, Maine, Minnesota and other states for 2015, until such time as the legislatures of two-thirds of the several  
2 states have applied for such a convention and that convention has actually been called by Congress.

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4 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
5 STATE OF MONTANA:

6 That the State of Montana, speaking through its Legislature, and pursuant to Article V of the United States  
7 Constitution, hereby petitions the United States Congress to call a convention for the purpose of proposing  
8 amendments to the Constitution of the United States of America as soon as two-thirds of the several states have  
9 applied for a convention.

10 BE IT FURTHER RESOLVED, that the Montana Secretary of State is directed to transmit copies of this  
11 joint resolution to the President of the United States, the Governor of each state, and the presiding officer of each  
12 house of each state legislature in the United States, to the Vice President of the United States in his capacity as  
13 presiding officer of the United States Senate and addressed to him at the legislative office that he maintains inside  
14 the United States Capitol, to the Speaker of the United States House of Representatives, to both United States  
15 Senators and all United States Representatives from Montana in the Congress with the respectful request that  
16 the full and complete text of this joint resolution be entered into the Congressional Record as an official memorial  
17 to Congress from the Legislature of the State of Montana, to the Archivist of the United States, and the respective  
18 Clerks of the United States House of Representatives and the United States Senate requesting that they record  
19 this application in the published tally of state petitions for a convention of the states under Article V of the United  
20 States Constitution.

21 - END -