

House Concurrent Resolution No. 103

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BERRY.

6584H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

Relating to an application to Congress for the calling of an Article V convention of the states to propose an amendment to the Constitution of the United States for free and fair elections.

Be it enacted by the General Assembly of the state of Missouri, as follows:

WHEREAS, elections in the United States of America should be free from corrupting influences and fair enough that any citizen can be elected into office; and

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WHEREAS, Article I, Section 1 of the Constitution of Missouri state:

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"That all political power is vested in and derived from the people; that all government of right originates from the people...."; and

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WHEREAS, it was the clear intention of the framers of the Constitution of the United States that the Congress of the United States should be "dependent on the people alone" (James Madison, Federalist No. 52) and that dependency has evolved from a dependency on the people alone to a dependency on those who spend excessively in our electoral process; and

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WHEREAS, the Tenth Amendment of the Constitution of the United States declares:

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"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

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WHEREAS, until 2010, the Tenth Amendment of the Constitution of the United States had consistently been interpreted as allowing the several states to establish their own laws governing the financing of elections; and

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23 **WHEREAS**, the State of Missouri desires to address the undue influence of powerful
24 economic forces, which have supplanted the will of the people by undermining their ability to
25 choose their political leadership and determine the fate of their states and the nation as a whole;
26 and

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28 **WHEREAS**, Article V of the Constitution of the United States includes the convention
29 method of proposing federal constitutional amendments so the several states could protect
30 themselves and their citizens from encroachments of the federal government and preserve our
31 Republic in the event that the federal government became unresponsive to the will of the
32 American people; and

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34 **WHEREAS**, the nation's thirty-fourth president, Dwight D. Eisenhower, affirmed:
35 "Through their state legislatures and without regard to the federal government, the people can
36 demand a convention to propose amendments that can and will reverse any trends they see as
37 fatal to true representative government."; and

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39 **WHEREAS**, Article V of the Constitution of the United States provides authority for a
40 convention to be called by Congress of the United States for the purpose of proposing an
41 amendment to the Constitution upon application of two-thirds of the legislatures of the several
42 states; and

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44 **WHEREAS**, similar applications have been made for a calling for a convention on this
45 subject, such as those approved by Vermont legislators (Joint Resolution Senate No. 27 in 2014),
46 California legislators (Assembly Joint Resolution No. 1 in 2014), Illinois legislators (Senate
47 Joint Resolution No 42 in 2014, and New Jersey legislators (Senate Concurrent Resolution No
48 132 in 2015); and

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50 **WHEREAS**, the Legislature of the State of Missouri favors a proposal and ratification
51 an amendment to said Constitution in order to permanently protect free and fair elections in
52 America by addressing corrupting influences of money in politics and desires that said
53 convention be so limited:

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55 **NOW THEREFORE BE IT RESOLVED** that the members of the House of
56 Representatives of the Ninety-eighth General Assembly, Second Regular Session, the Senate
57 concurring therein, respectively applies, as provided for in Article V of the Constitution of the
58 United States, for an amendments convention to be called for the limited purpose of proposing

59 an amendment to the Constitution of the United States of America to restore free and fair
60 elections by reducing the corrupting influence of money in our political process; and
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62 **BE IT FURTHER RESOLVED** that the Missouri delegates to said convention be
63 composed equally of individuals currently elected to state and local office, or be selected by
64 election, in each congressional district in Missouri, for the purpose of serving as Missouri
65 delegates, though all individuals elected or appointed to federal office now, or in the past, be
66 prohibited from serving as Missouri delegates to such a convention; and
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68 **BE IT FURTHER RESOLVED** that the Legislature of the State of Missouri intends
69 to retain the ability to restrict or expand the authority of its Missouri delegates within the limits
70 herein expressed; and
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72 **BE IT FURTHER RESOLVED** that, unless rescinded by a succeeding legislature, this
73 application constitutes a continuing application in accordance with Article V of the Constitution
74 of the United States until at least two-thirds of the Legislatures of the several states have made
75 application for an equivalently limited amendments convention; and
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77 **BE IT FURTHER RESOLVED** that a certified copy of this application be dispatched
78 by the Chief Clerk of the Missouri House of Representatives to the President of the United
79 States, the Speaker of the House of Representatives, the Vice President of the United States in
80 his capacity as the presiding officer of the United States Senate, each member of the Missouri
81 Congressional delegation, and the presiding officers of the several State Legislatures requesting
82 cooperation in applying for the amendments convention limited to the subject matter
83 contemplated by this application.

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