

HCR 10 – AS INTRODUCED

2014 SESSION

14-2011
03/08

HOUSE CONCURRENT RESOLUTION **10**

A RESOLUTION applying to the Congress of the United States to call for a convention under Article V of the United States Constitution.

SPONSORS: Rep. Timothy Smith, Hills 17

COMMITTEE: State-Federal Relations and Veterans Affairs

ANALYSIS

This concurrent resolution applies to the Congress of the United States to call for a convention under Article V of the United States Constitution.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

A RESOLUTION applying to the Congress of the United States to call for a convention under Article V of the United States Constitution.

1 Whereas, the government of the United States is a government of the people, by the people, and
2 for the people; and

3 Whereas, George Washington, the first President of the United States, stated in his 1796
4 farewell address that, “The basis of our political systems is the right of the people to make and to
5 alter their Constitutions of Government”; and

6 Whereas, James Madison stated in the Federalist Papers, Number 52, that the framers of the
7 Constitution of the United States of America intended that the Congress of the United States of
8 America should be “dependent on the people alone”; and

9 Whereas, the Tenth Amendment to the United States Constitution states “The powers not
10 delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to
11 the States respectively, or to the people,” which has consistently been interpreted to allow the several
12 states to establish their own laws governing the financing of elections; and

13 Whereas, the United States Supreme Court ruling in Citizens United v. Federal Election
14 Commission, 558 U.S. 310 (2010), removed restrictions on amounts of independent political
15 spending, and establishes a de-facto imposition on the several states denying them the ability to
16 establish their own laws governing the financing of elections; and

17 Whereas, the current state of federal elections has become such that tremendous power is given
18 to moneyed legal entities, which have supplanted the will of the people by undermining our ability to
19 choose our political leadership, write our own laws, and determine the fate of our state; and

20 Whereas, natural persons are endowed with certain unalienable rights, including life, liberty and
21 the pursuit of happiness while incorporated legal entities exist only under the revocable authority
22 established by the people through Congress and the several state legislatures; and

23 Whereas, the Congress of the United States has thus far failed to address the multitude of
24 problems created by the United States Supreme Court ruling in Citizens United v. Federal Election
25 Commission, 558 U.S. 310 (2010); and

26 Whereas, it is in the self-interest of the Congress of the United States not to address the issues
27 raised by the United States Supreme Court ruling in Citizens United v. Federal Election
28 Commission, 558 U.S. 310 (2010); and

29 Whereas, Article V of the United States Constitution requires the United States Congress to call
30 a convention upon application of two-thirds of the legislatures of the several states for the purpose of
31 proposing amendments to the United States Constitution; and

32 Whereas, the general court of the state of New Hampshire sees the need for a convention to

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1 propose amendments in order to address concerns such as those raised by the decision of the
2 United States Supreme Court in Citizens United v. Federal Election Commission, 558 U.S. 310
3 (2010), and related cases and events including those occurring long before or afterward or for a
4 substantially similar purpose, and desires that said convention should be so limited; and

5 Whereas, the general court of the state of New Hampshire desires that the delegates to said
6 convention shall be comprised equally from individuals currently elected to state and local office, or
7 be selected by election in each Congressional district for the purpose of serving as delegates, though
8 all individuals elected or appointed to federal office, now or in the past, be prohibited from serving as
9 delegates to the convention, and intends to retain the ability to define the power of its delegates
10 within the limits expressed; and

11 Whereas, the general court of the state of New Hampshire intends that this be a continuing
12 application considered together with applications calling for a convention currently pending in
13 several other states, and all other passed, pending, and future applications, the aforementioned
14 concerns of New Hampshire notwithstanding until such time as two-thirds of the several states have
15 applied for a convention and said convention is convened by Congress; now, therefore, be it

16 Resolved by the House of Representatives, the Senate concurring:

17 That the general court of the state of New Hampshire hereby applies to the United States
18 Congress to hold a convention, as stipulated by Article V of the United States Constitution, for the
19 purpose of proposing amendments to the United States Constitution as soon as two-thirds of the
20 several states have applied for a convention; and

21 That delegates to such a convention from New Hampshire shall propose no amendments which
22 do not have a primary goal of addressing the grievances listed herein; and that the clerk of the
23 New Hampshire house of representatives transmit copies of this resolution to the President and Vice
24 President of the United States, the Speaker of the United States House of Representatives, the
25 Minority Leader of the United States House of Representatives, and the President Pro Tempore of
26 the United States Senate, to each member of the New Hampshire congressional delegation, and to
27 the presiding officers of each legislative body of each of the several States, requesting the cooperation
28 of the several states in issuing an application compelling Congress to call a convention for proposing
29 amendments pursuant to Article V of the United States Constitution.