

HCR 2 – AS INTRODUCED

2015 SESSION

15-0135
05/09

HOUSE CONCURRENT RESOLUTION **2**

A RESOLUTION applying to Congress to hold a convention for amendments.

SPONSORS: Rep. T. Smith, Hills 17; Rep. Theberge, Coos 3; Rep. Massimilla, Graf 1

COMMITTEE: Legislative Administration

ANALYSIS

This bill applies to Congress for a convention under Article V of the United States Constitution for the purpose of proposing amendments to the United States Constitution in order to address concerns raised by the decision of the United States Supreme Court in *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010), and related cases.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

A RESOLUTION applying to Congress to hold a convention for amendments.

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, it was the stated intention of the framers of the Constitution of the United States of
7 America that the Congress of the United States of America should be “dependent on the people
8 alone.” (James Madison, Federalist 52); 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 spending
15 and established a de-facto imposition on the several states denying them the ability to establish their
16 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 monied 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 ruling in *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010); and

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

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

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1 That the legislature of the state of New Hampshire hereby applies to the United States Congress
2 to hold a convention, as stipulated by Article V of the United States Constitution, for the purpose of
3 proposing amendments to the United States Constitution in order to address concerns raised by the
4 decision of the United States Supreme Court in *Citizens United v. Federal Election Commission*, 558
5 U.S. 310 (2010), and related cases, including events occurring long before or afterward or for a
6 substantially similar purpose, and desires that said convention should be so limited, and

7 That delegates to such a convention from New Hampshire shall propose no amendments which
8 do not have a primary goal of addressing the grievances listed herein, and the delegates to said
9 convention from New Hampshire shall be comprised equally from individuals currently elected to
10 state and local office, or be selected by election in each Congressional district for the purpose of
11 serving as delegates, though all individuals elected or appointed to federal office, now or in the past,
12 be prohibited from serving as delegates to the Convention, and the legislature intends to retain the
13 ability to define the power of its delegates within the limits expressed above; and

14 That the state of New Hampshire intends that this be a continuing application considered
15 together with applications calling for a convention currently pending in several other states, and all
16 other passed, pending, and future applications, until such time as two-thirds of the several states
17 have applied for a convention and said convention is convened by Congress; and

18 That the clerk of the New Hampshire house of representatives transmit copies of this resolution
19 to the President and Vice President of the United States, the Speaker of the United States House of
20 Representatives, the Minority Leader of the United States House of Representatives, the President
21 Pro Tempore of the United States Senate, each member of the New Hampshire congressional
22 delegation, and the presiding officers of each legislative body of each of the several states, requesting
23 the cooperation of the several states in issuing an application compelling Congress to call a
24 convention for proposing amendments pursuant to Article V of the United States Constitution.