



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Emily E. Wendel

S.J.R. 1

132nd General Assembly
(As Introduced)

Sens. Huffman, Terhar, Coley, Hottinger

RESOLUTION SUMMARY

- Applies for a federal constitutional convention for the purpose of proposing amendments that impose fiscal restraints on the federal government, limit the power of the federal government, and institute term limits for federal offices.
 - Specifies that the application is valid only for the purpose of a constitutional convention that is limited to considering those topics and only if certain other conditions are met.
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CONTENT AND OPERATION

Application for a constitutional convention

The resolution applies to Congress for a constitutional convention for the purpose of proposing amendments to the U.S. Constitution that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and institute term limits for federal offices. The resolution states that the application is valid only if all of the following conditions are met:

- The application is combined only with other applications from state legislatures that call for a constitutional convention for substantially the same purpose.
- The convention is limited to consideration of the topics listed above and does not consider any change to the Bill of Rights.
- Congress does not determine the rules for the governing of the convention, does not set the number of delegates to be sent by each state, and does not name those delegates.

- The state legislatures have the authority to name their delegates to the convention, to provide further instructions to their delegates, and to recall their delegates at any time for a breach of a duty or a violation of the instructions provided.
- Each state receives one vote at the convention.

Article V of the U.S. Constitution requires Congress to call a constitutional convention upon the application of the legislatures of at least two-thirds of the states. Then, in order for any amendments proposed by the convention to take effect, the states must ratify them by the approval by three-fourths of the state legislatures or by the approval of ratifying conventions in three-fourths of the states. Congress proposes the method of ratification to be used.

The U.S. Constitution does not specify how a constitutional convention must be conducted or how its delegates are to be chosen. Further, the Constitution does not indicate whether the states that apply for a constitutional convention may limit the scope of amendments the convention is to propose. A constitutional convention has never been held under Article V. If Congress called a constitutional convention as a result of the resolution and others like it, and the convention proposed amendments outside the scope of the topics listed in the resolution, it is not clear whether a reviewing court would find the proposed amendments valid.

Transmittal of the resolution

The resolution directs the Clerk of the House of Representatives to transmit copies of the resolution to the President and Secretary of the U.S. Senate, to the Speaker and Clerk of the U.S. House of Representatives, and to each member of the Ohio congressional delegation. The resolution also requires the Clerk to transmit copies of the resolution to the presiding officers of each state legislature, requesting their cooperation.

HISTORY

ACTION	DATE
Introduced	02-21-17

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