

**SENATE . . . . . No. 2402****The Commonwealth of Massachusetts**

PRESENTED BY:

***James B. Eldridge***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying resolution:

Resolutions for a United States Constitutional Amendment and a limited amendment proposing convention.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>2/2/2021</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>2/10/2021</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>2/12/2021</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>2/24/2021</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/24/2021</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>2/26/2021</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>2/26/2021</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>3/1/2021</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>3/24/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>3/29/2021</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>3/31/2021</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>4/21/2021</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>4/21/2021</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>5/8/2021</i>

*Adam G. Hinds*

*Berkshire, Hampshire, Franklin and  
Hampden*

*10/26/2021*

# SENATE . . . . . No. 2402

---

By Mr. Eldridge, a petition (accompanied by resolutions, Senate, No. 2402) of James B. Eldridge, Carmine Lawrence Gentile, Adam J. Scanlon, Walter F. Timilty and other members of the General Court for the adoption of Resolutions for a United States Constitutional Amendment and a limited amendment proposing convention. Veterans and Federal Affairs.

---

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 2163 OF 2019-2020.]

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Ninety-Second General Court  
(2021-2022)  
\_\_\_\_\_

Resolutions for a United States Constitutional Amendment and a limited amendment proposing convention.

1           WHEREAS, the 1st President of the United States George Washington stated, "The basis  
2   of our political systems is the right of the people to make and to alter their Constitutions of  
3   Government."; and

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

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

10 WHEREAS, the United States Supreme Court ruling in Citizens United v. Federal  
11 Election Commission, 558 U.S. 310 (2010) removed restrictions on amounts of independent  
12 political spending; and

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

17 WHEREAS, corporations are artificial entities that governments create and, as such, do  
18 not possess the same unalienable rights of natural persons protected by the Constitution; and

19 WHEREAS, corporations have used a claim to the rights enumerated in the US  
20 Constitution, including under the 1st, 4th, 5th and 14th Amendments, to challenge and overturn  
21 democratically enacted laws protecting the public interest; and

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

26 WHEREAS, the Commonwealth of Massachusetts sees the need for a convention to  
27 propose amendments in order to address concerns about the integrity of our elections and about  
28 the ability of the people to participate in effective self-government, specifically those concerns  
29 arising from the United States Supreme Court's rulings limiting the ability of the legislature to  
30 regulate the raising and spending of money in elections and granting constitutional rights to  
31 corporations; and desires that said convention should be so limited; and

32 WHEREAS, the Commonwealth of Massachusetts desires that the delegates to said  
33 convention shall be comprised equally from individuals currently elected to state and local  
34 office, or be selected by election in each Congressional district for the purpose of serving as  
35 delegates, though all individuals elected or appointed to federal office, now or in the past, be  
36 prohibited from serving as delegates to the Convention, and intends to retain the ability to restrict  
37 or expand the power of its delegates within the limits expressed above; and

38 WHEREAS, the Commonwealth of Massachusetts intends that this application shall  
39 constitute a continuing application, considered together with applications on this subject such as  
40 those passed in the 2013-2014 Vermont legislature as R454, the 2013-2014 California legislature  
41 as Resolution Chapter 77, the 98th Illinois General Assembly as SJR 42, the 2014-2015 New  
42 Jersey legislature as SCR 132, the 2015-2016 Rhode Island legislature as HR 7670 and SR 2589,  
43 and all other passed, pending, and future applications, the aforementioned concerns of  
44 Massachusetts notwithstanding until such time as two-thirds of the Several States have applied  
45 for a Convention and said Convention is convened by Congress;

46 Therefore, BE IT RESOLVED by the Legislature of the Commonwealth of  
47 Massachusetts that it calls on Congress to propose an amendment to the Constitution that would  
48 affirm that (a) the rights protected by the Constitution of the United States are the rights of  
49 natural persons, i.e. human individuals, only and (b) Congress and the states shall place limits on  
50 political contributions and expenditures to ensure that all citizens have access to the political  
51 process, and the spending of money to influence elections is not protected free speech under the  
52 First Amendment; and

Be it further Resolved, that if Congress does not propose this constitutional amendment within 6 months of the passage of this bill, then this bill constitutes a petition by the Commonwealth of Massachusetts, speaking through its legislature, and pursuant to Article V of the United States Constitution, to the Congress to call a limited Convention for the exclusive purpose of proposing Amendments, as prescribed previously herein, to the Constitution of the United States of America addressing, inter alia, concerns raised by Citizens United v. FEC, McCutcheon v. FEC and related decisions, as soon as two-thirds of the several States have applied for a Convention; and

Be it further Resolved, that this petition shall not be considered by the U.S. Congress until 33 other states submit petitions for the same purpose as proposed by Massachusetts in this resolution and unless the Congress determines that the scope of amendments to the Constitution of the United States considered by the convention shall be limited to the same purpose requested by Massachusetts; and

Be it further Resolved, that the Clerk of the Massachusetts House of Representatives and Clerk of the Senate transmit copies of this resolution to the President and Vice President of the United States and addressed to him at the legislative office which he maintains in Suite No. S-212 of the United States Capitol Building, the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the President Pro Tempore of the United States Senate, to each Senator and Representative from Massachusetts in the Congress of the United States, to the Governor of each State, and to the presiding officers of each legislative body of each of the several States, requesting the cooperation of the several States in issuing an application compelling Congress to call a convention for proposing amendments pursuant to Article V of the United States Constitution.