HOUSE DOCKET, NO. 397 FILED ON: 1/12/2023

HOUSE . . . . . No. 3502

The Commonwealth of Massachusetts

PRESENTED BY:

Carmine Lawrence Gentile and David T. Vieira

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:	DATE ADDED:
Carmine Lawrence Gentile	*13th Middlesex*	*1/12/2023*
David T. Vieira	*3rd Barnstable*	*1/12/2023*
Jacob R. Oliveira	*Hampden, Hampshire and Worcester*	*1/13/2023*
Michelle M. DuBois	*10th Plymouth*	*1/18/2023*
James K. Hawkins	*2nd Bristol*	*1/27/2023*
Patricia A. Haddad	*5th Bristol*	*2/3/2023*
Natalie M. Higgins	*4th Worcester*	*2/9/2023*
James Arciero	*2nd Middlesex*	*2/16/2023*
Patrick Joseph Kearney	*4th Plymouth*	*2/16/2023*
James B. Eldridge	*Middlesex and Worcester*	*2/18/2023*
Carol A. Doherty	*3rd Bristol*	*2/20/2023*
Erika Uyterhoeven	*27th Middlesex*	*2/22/2023*
Edward R. Philips	*8th Norfolk*	*6/5/2023*
James C. Arena-DeRosa	*8th Middlesex*	*7/5/2023*
Margaret R. Scarsdale	*1st Middlesex*	*7/11/2023*
Tackey Chan	*2nd Norfolk*	*7/12/2023*

Mary S. Keefe	*15th Worcester*	*7/13/2023*
Russell E. Holmes	*6th Suffolk*	*7/13/2023*
Joan B. Lovely	*Second Essex*	*7/17/2023*
Paul A. Schmid III	*8th Bristol*	*7/17/2023*
Michael J. Barrett	*Third Middlesex*	*7/18/2023*
Peter Capano	*11th Essex*	*7/18/2023*
Rob Consalvo	*14th Suffolk*	*7/20/2023*
Mike Connolly	*26th Middlesex*	*7/24/2023*

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By Representatives Gentile of Sudbury and Vieira of Falmouth, a petition (accompanied by resolutions, House, No. 3502) of Carmine Lawrence Gentile, David T. Vieira and others for the adoption of resolutions memorializing the Congress of the United States to call for a convention to propose amendments in order to address concerns about the integrity of our elections and the ability of the people to participate in effective self-government. Veterans and Federal Affairs.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *3658* OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

Resolutions for a United States constitutional amendment and a limited amendment proposing convention.

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

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

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

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

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

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

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

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

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

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

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

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