

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE PRINCIPAL CLERK

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HOUSE DRH40325-LG-83 (03/24)

Short Title: Restore Free and Fair Elections/Art. V App. (Public)

Sponsors: Representative Faircloth.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT APPLYING TO CONGRESS FOR A LIMITED AMENDMENTS CONVENTION
3 TO RESTORE FREE AND FAIR ELECTIONS BY OVERTURNING THE CITIZENS
4 UNITED V. FEDERAL ELECTION COMMISSION SUPREME COURT DECISION
5 AND RELATED CASES.

6 Whereas, the first President of the United States George Washington stated, "The
7 basis of our political systems is the right of the people to make and to alter their Constitutions
8 of Government"; and

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

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

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

18 Whereas, the removal of those restrictions has resulted in the unjust influence of
19 powerful economic forces, which have supplanted the will of the people by undermining our
20 ability to choose our political leadership, write our own laws, and determine the fate of our
21 State; 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 State of North Carolina sees the need for a convention to propose
27 amendments in order to address concerns such as those raised by the decision of the United
28 States Supreme Court in Citizens United v. Federal Election Commission, 130 S.Ct. 876 (2010)
29 and related cases and events, including those occurring long before or afterward or for a
30 substantially similar purpose, and desires that said convention should be so limited; and

31 Whereas, the State of North Carolina desires that the delegates to said convention
32 shall be comprised equally of individuals currently elected to state and local office, or be
33 selected by election, in each Congressional district for the purpose of serving as delegates,
34 though all individuals elected or appointed to federal office, now or in the past, be prohibited



1 from serving as delegates to the Convention, and intends to retain the ability to restrict or
2 expand the power of its delegates within the limits expressed above; and

3 Whereas, the State of North Carolina intends that this be a continuing application
4 considered together with applications calling for a convention passed in the 2013-2014
5 Vermont legislature as R454, the 2013-2014 California legislature as Resolution Chapter 77,
6 the 2013-2014 Illinois legislature as Senate Joint Resolution No. 42, and all other passed,
7 pending, and future applications, the aforementioned concerns of North Carolina
8 notwithstanding until such time as two-thirds of the several states have applied for a
9 Convention and said Convention is convened by Congress; Now, therefore,

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** The General Assembly on behalf of the people of the State of North
12 Carolina and pursuant to Article V of the United States Constitution hereby petitions the United
13 States Congress to call a Convention for the purpose of proposing Amendments to the
14 Constitution of the United States of America as soon as two-thirds of the several states have
15 applied for a Convention.

16 **SECTION 2.** The Secretary of State shall transmit copies of this resolution to the
17 President of the United States; the Vice President of the United States in his capacity as
18 presiding officer of the United States Senate and addressed to him at the office he maintains in
19 the United States Capitol Building; the Speaker of the United States House of Representatives,
20 the Minority Leader of the United States House of Representatives, the President Pro Tempore
21 of the United States Senate, to each Senator and Representative from North Carolina in the
22 Congress of the United States with the respectful request that the full and complete text of this
23 resolution be printed in the *Congressional Record*; to the Governor of each state, and to the
24 presiding officers of each legislative body of each of the several states, requesting the
25 cooperation of the states in issuing an application compelling Congress to call a convention for
26 proposing amendments pursuant to Article V of the United States Constitution.

27 **SECTION 3.** This act is effective when it becomes law.