

By Senator Powell

30-01730-20

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Senate Memorial

A memorial to the Congress of the United States, urging Congress to call a convention under Article V of the Constitution of the United States for the exclusive purpose of proposing an amendment to the Constitution of the United States to permanently restore free and fair elections in the United States.

WHEREAS, the framers of the Constitution of the United States intended that the United States Congress should be "dependent on the people alone" (James Madison, *Federalist No. 52*), and

WHEREAS, that dependency has evolved from a dependency on the people alone to a dependency on powerful special interests, through campaigns or third-party groups, which has created a fundamental imbalance in our representative democracy, and

WHEREAS, Americans across the political spectrum agree that elections in the United States should be free from the disproportional influence of special interests and fair enough that any citizen can be elected to office, and

WHEREAS, Article I, Section 1 of the State Constitution states that "all political power is inherent in the people," and

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

WHEREAS, multiple Florida counties and municipalities have expressed by citizen referendum or through their elected officials the need to free our elections from the

30-01730-20

20201816__

30 disproportional influence of special interests, including, but
31 not limited to, Escambia, Gadsden, and Alachua Counties and the
32 cities of Key West, Sarasota, Tampa, and Miami, and

33 WHEREAS, the Florida Legislature perceives the need for an
34 Article V convention in order to restore balance and integrity
35 to our elections by proposing an amendment to the Constitution
36 of the United States which will permanently restore free and
37 fair elections in the United States by addressing, among other
38 things, issues raised by the decisions of the United States
39 Supreme Court in *Citizens United v. Federal Election Commission*,
40 558 U.S. 310 (2010), and related cases and events, and desires
41 that such convention should be so limited, and

42 WHEREAS, the State of Florida desires that the delegates to
43 such convention shall be composed equally of individuals
44 currently elected to state and local office, or be selected by
45 election, in each congressional district for the purpose of
46 serving as delegates, though all individuals elected or
47 appointed to federal office, past or present, shall be
48 prohibited from serving as delegates to the convention, and the
49 state intends to retain the ability to restrict or expand the
50 power of its delegates within the limits expressed herein, and

51 WHEREAS, the State of Florida intends that this be a
52 continuing application considered together with applications
53 calling for a convention passed in the 2013-2014 Vermont
54 legislature as R454, the 2013-2014 California legislature as
55 Resolution Chapter 77, the 98th Illinois General Assembly as SJR
56 42, the 2014-2015 New Jersey legislature as SCR 132, the 2015-
57 2016 Rhode Island legislature as HR 7670 and SR 2589, and all
58 other passed, pending, and future applications until such time

30-01730-20

20201816__

59 as two-thirds of the several states have applied for a
60 convention for a similar purpose and such convention is convened
61 by Congress, NOW, THEREFORE,
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63 Be It Resolved by the Legislature of the State of Florida:
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65 (1) That the Legislature of the State of Florida does
66 hereby make application to Congress, pursuant to Article V of
67 the Constitution of the United States, to call an Article V
68 Convention for the exclusive purpose of proposing an amendment
69 to the Constitution of the United States which will restore free
70 and fair elections by addressing the issues raised by the
71 decisions of the United States Supreme Court in *Citizens United*
72 *v. Federal Election Commission*, 558 U.S. 310 (2010), and related
73 cases and events.

74 (2) That this application constitutes a continuing
75 application in accordance with Article V of the Constitution of
76 the United States until the legislatures of at least two-thirds
77 of the several states have made application on the subject of
78 free and fair elections as specified in this application.

79 (3) That this application be aggregated with the
80 applications from other states on the same subject for the
81 purpose of attaining the two-thirds majority needed to require
82 Congress to call a limited Article V convention as specified in
83 this application, but not be aggregated with any other
84 applications on any other subject.

85 BE IT FURTHER RESOLVED that the Secretary of State dispatch
86 copies of this memorial to the President of the United States,
87 the President of the United States Senate, the Speaker of the

30-01730-20

20201816__

88 United States House of Representatives, and each member of the
89 Florida delegation to the United States Congress.