**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4258**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Reps. Magnuson and Harris

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Introduced in the House on April 5, 2023

Currently residing in the House Committee on **Judiciary**

Summary: Application to Congress

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 4/5/2023 House Introduced and read first time (House Journal‑page 8)

 4/5/2023 House Referred to Committee on **Judiciary** (House Journal‑page 8)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4258&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[04/05/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4258_20230405.docx)

A joint Resolution

TO PROVIDE THAT THE GENERAL ASSEMBLY OF SOUTH CAROLINA HEREBY RESCINDS AND SHALL REPEAL, CANCEL, NULLIFY, AND SUPERSEDE TO THE SAME EFFECT AS IF THEY HAD NEVER BEEN PASSED, ANY AND ALL EXTANT APPLICATIONS BY THE GENERAL ASSEMBLY TO THE CONGRESS OF THE UNITED STATES OF AMERICA TO CALL A CONVENTION TO PROPOSE AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

Whereas, the South Carolina General Assembly, acting with the best of intentions, has, at various times, and during various sessions, previously made applications to the Congress of the United States of America to call one or more conventions to propose either one or more amendments regarding one or more specific subjects or purposes, or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, the Declaration of Independence proclaims that “it is the Right of the People to alter or to abolish” their form of government whenever it fails to secure their rights, which implies that a convention of representatives of the sovereign people in an Article V “convention for proposing amendments” would have the inherent power to propose sweeping changes to the Constitution (sometimes termed a “runaway” convention), any limitations or restrictions purportedly imposed by the states in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of each level of government in our present Republic as defined by our present Constitution; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to an Article V constitutional convention, has been interpreted and applied for more than two hundred years, and is understood around the world to be a sound document which protects the lives and liberties of the citizens; and

Whereas, there is no need for, and rather there is great danger in, subjecting our form of government, which is based on the Declaration of Independence and the Constitution, to sweeping changes that would potentially undermine its philosophical foundation of instituting government based on the principle of securing God‑given rights; and

Whereas, the best solution for reining in the federal government is an informed and virtuous electorate which will hold public officials accountable to our existing Constitution with its principles of limited government, rather than risking an Article V convention. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1.  (A) The General Assembly of South Carolina hereby rescinds and shall repeal, cancel, nullify, and supersede to the same effect as if they had never been passed, any and all extant applications by the General Assembly to the Congress of the United States of America to call a convention to propose amendments to the Constitution of the United States of America, pursuant to the terms of Article V thereof, regardless of when or by which session or sessions of the General Assembly such applications were made and regardless of whether such applications were for a limited convention to propose one or more amendments regarding one or more specific subjects or purposes or for a general convention to propose an unlimited number of amendments upon an unlimited number of subjects.

 (B) The General Assembly shall urge the legislatures of each state which has applied to Congress to call a convention for either a general or a limited constitutional convention to repeal and withdraw such applications.

 (C) The President of the Senate is authorized and directed to send copies of this resolution to the Secretary of State, to the presiding officers of both houses of the legislatures of each state in the Union, to the President of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, to the Chairman of the Judiciary Committee of the United States House of Representatives, and to the members of Congress of the United States representing the State and people of South Carolina.

SECTION 2. This joint resolution takes effect upon approval by the Governor.

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