**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 4174**

**STATUS INFORMATION**

Concurrent Resolution

Sponsors: Rep. Pitts

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Introduced in the House on April 25, 2017

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

Summary: Convention of the States

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/25/2017 House Introduced ([House Journal‑page 34](file:///h:\hj\20170425.docx))

4/25/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 34](file:///h:\hj\20170425.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4174&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[4/25/2017](file:///p:\pprever\2017-18\4174_20170425.docx)

**A** **CONCURRENT RESOLUTION**

TO MAKE APPLICATION BY THE STATE OF SOUTH CAROLINA UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION FOR A CONVENTION OF THE STATES TO BE CALLED TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION RELATING TO CONTRIBUTIONS AND EXPENDITURES INTENDED TO AFFECT ELECTIONS AND CLARIFYING THE AUTHORITY OF CONGRESS AND THE STATES TO REGULATE THE EXPENDITURE OF FUNDS FOR POLITICAL ACTIVITY BY CORPORATIONS.

Whereas, the first 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 that the United States Congress should be “dependent on the people alone.” (The Federalist Papers No. 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 Tenth Amendment to the United States Constitution states, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people,” which has consistently been interpreted to allow the several states to establish their own laws governing the financing of elections; and

Whereas, the United States Supreme Court rulings in *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010), and *McCutcheon, et al. v. Federal Election Commission*, 572 U.S. \_\_ (2014) removed restrictions on amounts of independent and aggregate political spending, establishing a de facto imposition on the several states denying them the ability to establish their own laws governing the financing of elections; 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, Article V of the United States Constitution was included at the direction of the several states to protect the states and the people from encroachment of the federal government or in the event the federal government became unresponsive to the will of the people; and

Whereas, the thirty‑fourth President of the United States Dwight D. Eisenhower stated, “Through their state legislatures and without regard to the federal government, the people can demand a convention to propose amendments that can and will reverse any trends they see as fatal to true representative government”; and

Whereas, Article V of the Constitution of the United States provides authority for a convention to be called by the Congress of the United States for the purpose of proposing amendments to the Constitution upon application of two‑thirds of the legislatures of the several states; and

Whereas, the State of South Carolina sees the need for a convention to propose amendments in order to address concerns such as those raised by the United States Supreme Court in the *Citizens United* and *McCutcheon* decisions as well as other related cases and events and desires that the convention should be so limited; and

Whereas, the State of South Carolina desires that the convention delegates 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 State of South Carolina intends that this be a continuing application considered together with applications calling for a convention currently pending in Indiana, Iowa, Illinois, and all passed, pending, and future applications, the aforementioned concerns of South Carolina notwithstanding until such time as two‑thirds of the several states have applied for a convention and such convention is convened by Congress. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the General Assembly of the State of South Carolina hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections and clarifying the authority of Congress and the States to regulate the expenditure of funds for political activity by corporations.

Be it further resolved that this application shall be considered as covering the same subject matter as the applications from other states to Congress calling of a convention of the states limited to proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections and clarifying the authority of Congress and the States to regulate the expenditure of funds for political activity by corporations. This application shall be aggregated with same for the purpose of attaining the two‑thirds of states necessary to require Congress to call a limited convention on this subject, but shall not be aggregated with any other applications on any other subject.

Be it further resolved that copies of this application must be transmitted to the President of the United States, the Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, and to the Speaker, Clerk, and Judiciary Committee Chairman of the House of Representatives of the Congress of the United States, and members of the United States Senate and United States House of Representatives from this State.

Be it further resolved that copies of this resolution also must be transmitted to the presiding officers of each of the legislative houses in the several states, requesting their cooperation in this endeavor.

Be it further resolved that this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two‑thirds of the several states have made applications on the same subject.

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