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## FISCAL IMPACT REPORT

SPONSOR Ortiz y Pino ORIGINAL DATE 2/20/17 HB \_\_\_\_\_  
LAST UPDATED 3/15/17

SHORT TITLE Fair Election Constitutional Convention SJR 12/aSJC

ANALYST Esquibel

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		
N/A	N/A	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

SJR12 relates to House Joint Resolution 10, Rescind Prior Convention Applications.

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Office of the Attorney General (OAG)

Secretary of State's Office (SOS)

### SUMMARY

#### Synopsis of SJC Amendment

The Senate Judiciary Committee amendment to SJR12 add that the petition shall expire and be withdrawn ten years following its passage, and clarify the petition is specific to free and fair elections shall not be combined with a petition from any other state calling for an Article 5 convention for any other purpose nor shall it be combined with a petition from any other state calling for an Article 5 convention for all purposes.

#### Synopsis of Bill

Senate Joint Resolution 12 (SJR12) requests the U.S. Congress call a constitutional convention on the application of two-thirds of the states to propose an amendment to the U.S. Constitution that would restore free and fair elections.

### FISCAL IMPLICATIONS

The joint resolution does not include an appropriation.

## **SIGNIFICANT ISSUES**

The Attorney General's Office (OAG) indicates SJR12 proposes a constitutional amendment to protect free and fair elections by addressing issues raised by the decisions of the U.S. Supreme Court in *Citizens United v. Federal Election Commission* (2010) 130 S.Ct. 876 and related cases and events.

SJR12 would be a continuing application considered together with applications calling for a convention passed in Vermont, California, Illinois, New Jersey, Rhode Island until such time as two-thirds of the states have applied for a convention for a similar purpose and the convention is convened by Congress.

## **OTHER SUBSTANTIVE ISSUES**

The Attorney General's Office (OAG) notes Article 5 of the United States Constitution requires congress to call a convention for proposing amendments to the federal constitution on the application of two-thirds of the Legislatures of the several states.

Because no Article V convention has ever been convened, there are various questions about how such a convention would function. One major question is the scope of the convention's subject matter. If such a Convention is called there is likely to be a constitutional construction argument regarding limitations of the subject matter considered.

It remains a question that once a constitutional convention is convened it would remain limited to the question of free and fair elections.

RAE/jle/sb