

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015**

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**HOUSE BILL 717**

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

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Sponsors:    Representatives Faircloth, Brockman, Pendleton, and Steinburg (Primary Sponsors).

*For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*

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Referred to:    Judiciary I.

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April 15, 2015

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

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 of the United States of America that the Congress of the United States of America should be "dependent on the people alone" (James Madison, Federalist 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 United States Supreme Court ruling in Citizens United v. Federal Election Commission, 558 U.S. 310 (2010), removed restrictions on amounts of independent political spending; 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 requires the United States Congress to call a convention for proposing amendments upon application of two-thirds of the legislatures of the several states for the purpose of proposing amendments to the United States Constitution; and

Whereas, the State of North Carolina sees the need for a convention to propose amendments in order to address concerns such as those raised by the decision of the United States Supreme Court in Citizens United v. Federal Election Commission, 130 S.Ct. 876 (2010) and related cases and events, including those occurring long before or afterward or for a substantially similar purpose, and desires that said convention should be so limited; and

Whereas, the State of North Carolina desires that the delegates to said convention shall be comprised equally of individuals currently elected to state and local office, or be selected by election, in each Congressional district for the purpose of serving as delegates,



1 though all individuals elected or appointed to federal office, now or in the past, be prohibited  
2 from serving as delegates to the Convention, and intends to retain the ability to restrict or  
3 expand the power of its delegates within the limits expressed above; and

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

11 The General Assembly of North Carolina enacts:

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

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

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