

As Introduced

**135th General Assembly
Regular Session
2023-2024**

H. J. R. No. 3

Representatives McClain, Willis

**Cosponsors: Representatives Johnson, Seitz, Williams, Hall, Lorenz, Merrin, Holmes,
Stein, Manchester, Hillyer, Schmidt, Demetriou, Manning, Klopfenstein, Creech,
Barhorst, Bird, Kick, Miller, M., Young, T., John**

A JOINT RESOLUTION

Application to the Congress of the United States for a 1
Convention of the States under Article V of the 2
Constitution of the United States that is limited to 3
proposing amendments that impose fiscal restraints on 4
the federal government, limit the power and 5
jurisdiction of the federal government, and limit the 6
terms of office for its officials and Members of 7
Congress. 8

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

WHEREAS, The Founders of the Constitution of the United 9
States empowered State Legislators to be guardians of liberty 10
against excessive use of power by the federal government; and 11

WHEREAS, The federal government has created a crushing 12
national debt through improper and imprudent spending; and 13

WHEREAS, The federal government has ceased to operate 14
under a proper interpretation of the Constitution of the United 15
States; and 16

WHEREAS, The federal government has invaded the legitimate 17

roles of the States through the manipulative process of federal mandates, most of which are unfunded to a great extent; and

WHEREAS, It is the solemn duty of the States to protect the liberty of our people, particularly for the generations to come, by proposing Amendments to the Constitution of the United States through a Convention of the States under Article V to place clear restraints on these and related abuses of power; now therefore be it

RESOLVED, The Ohio General Assembly 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 amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and Members of Congress of the United States; and be it further

RESOLVED, 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; and be it further

RESOLVED, The Ohio General Assembly adopts this resolution expressly subject to reservations, understandings, and declarations, including:

An application to the Congress of the United States to call a Convention of the States to propose amendments to the Constitution of the United States pursuant to Article V of the Constitution of the United States confers no power to the Congress other than the power to call such a Convention;

The power of the Congress of the United States to exercise this ministerial duty consists solely of the authority to name a reasonable time and place for the initial meeting of a Convention;

The Congress of the United States shall perform its ministerial duty of calling a Convention of the States for proposing amendments only upon the receipt of applications for a Convention of the States for the substantially same purpose as this application from two-thirds of the legislatures of the several States;

The Congress of the United States does not have the power or authority to determine any rules for the governing of a Convention of the States for proposing amendments called pursuant to Article V of the Constitution of the United States;

The Congress of the United States does not have the power to set the number of delegates to be sent by any State to such a Convention, nor does it have the power to name delegates to such a Convention;

The power to name delegates remains exclusively within the authority of the legislatures of the several States;

By definition, a Convention of the States means that the States shall vote on the basis of one state, one vote;

A Convention of the States for proposing amendments to the Constitution of the United States convened pursuant to this application shall be limited to consideration of the topics specified herein and no other;

This application is made with the express understanding that an amendment that in any way seeks to amend, modify, or repeal any provision of the Bill of Rights shall not be

authorized for consideration at any stage; 76

 This application shall be void ab initio if ever used at 77
any stage to consider any change to any provision of the Bill of 78
Rights; 79

 Pursuant to Article V of the Constitution of the United 80
States, the Congress of the United States may determine whether 81
proposed amendments shall be ratified by the legislatures of the 82
several States or by special state ratification conventions; 83

 The Ohio General Assembly recommends that the Congress of 84
the United States select ratification by the legislatures of the 85
several States; 86

 The Ohio General Assembly may provide further instructions 87
to its delegates and may recall its delegates at any time for a 88
breach of a duty or a violation of the instructions provided; 89
and be it further 90

 RESOLVED, The Clerk of the Ohio House of Representatives 91
is hereby directed to transmit duly authenticated copies of this 92
application to the President and Secretary of the United States 93
Senate and to the Speaker and Clerk of the United States House 94
of Representatives, and to each member of the said Senate and 95
House of Representatives from this State; also to transmit duly 96
authenticated copies hereof to the presiding officers of each of 97
the legislative houses in the several States, requesting their 98
cooperation. 99