



TESTIMONY OF MICHAEL FARRIS, J.D.<sup>1</sup>

PROPONENT FOR HB 67

OHIO HOUSE COMMITTEE ON GOVERNMENT OVERSIGHT

MAY 20, 2025

Chairman Hall and Members of the Committee,

The bill before you today creates a framework for the Ohio State Legislature to choose and instruct its commissioners to an Article V convention for proposing amendments. I believe that our nation is approaching, in the near future, its first-ever Article V convention, and it is prudent for the state to put these procedures in place in advance.

I support this bill and would be happy to answer any questions the committee may have about Article V and its processes. Thank you for allowing me to testify today.

Responses to Questions from Sponsors Hearing:

1. What specific legal authority can you cite that gives the legislature authority to limit convention commissioners?

First, common law principles of agency provide the Ohio state legislature, as the “principal” being represented at a convention of the states, with legal authority to limit the authority of its commissioners, who act as its legal “agents” at the convention. Second, the recent U.S. Supreme Court case of *Chiafalo v. Washington*, 591 U.S. 578 (2020) affirmed (in the context of

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<sup>1</sup> Michael Farris is a Senior Advisor to Convention of States and co-founded the organization with Mark Meckler. He is largely known for his work in constitutional appellate litigation, religious freedom, and homeschool advocacy.

After years of success in the COS movement, God called Mike back to defending religious freedom, human life, and the family. In 2017, Mike left Convention of States for a time to serve as the President, CEO and General Counsel of Alliance Defending Freedom, the world’s premiere defender of religious liberty.

Mike was the founding president of both the Home School Legal Defense Association and Patrick Henry College. He has served as lead counsel in the United States Supreme Court, eight federal circuit courts, and the appellate courts of 13 states.

Following five years of dedicated work with ADF, Mike returned to Convention of States to help push the Article V solution over the finish line. With his dignified commitment to liberty and preserving the fundamental rights of the Constitution, he joined the COS team again in 2023.

Mike and his wife Vickie have 10 children and many grandchildren.

presidential electors) that states can legally bind the agents that represent them in performing federal functions.

2. This bill creates statutory limitations for Ohio's delegates, but how does that give us any level of comfort with an Article V convention since it does not limit the authority of delegates from other states?

The entire convention is subject to two rules that are inherent in the process and confirmed by universal historical precedent. All voting is one state—one vote. And the convention itself is limited to proposals that are germane to the topics in the call of the convention. All delegates from all states must follow these inherent rules of the process.

Moreover, limitations on delegates from one state can have a profound effect on the entire convention. In 1787, Delaware's delegates were prohibited from supporting a plan that didn't effectuate the equality of the states. The discussion about proportional representation was deemed problematic because it might lose Delaware. This concern was a factor in the bicameral approach that was adopted, with state equality in the Senate. Delaware deemed this formula to comply with its instructions.

3. How many other states have passed laws such as this one or are considering them?

To date, 13 states have laws regarding the selection, instruction, and limitation, of commissioners to an Article V convention (Alaska, Florida, Georgia, Indiana, Louisiana, North Dakota, Oklahoma, South Dakota, Tennessee, Utah, West Virginia, Wisconsin, and Wyoming). So far in 2025, 19 additional states have introduced such bills for consideration (Arizona, Idaho, Iowa, Kansas, Kentucky, Maine, Maryland, Minnesota, Mississippi, Missouri, Montana, New Hampshire, New Jersey, North Carolina, Pennsylvania, Rhode Island, South Carolina, Texas, and Virginia).