TESTIMONY OF ELLEN HORTON

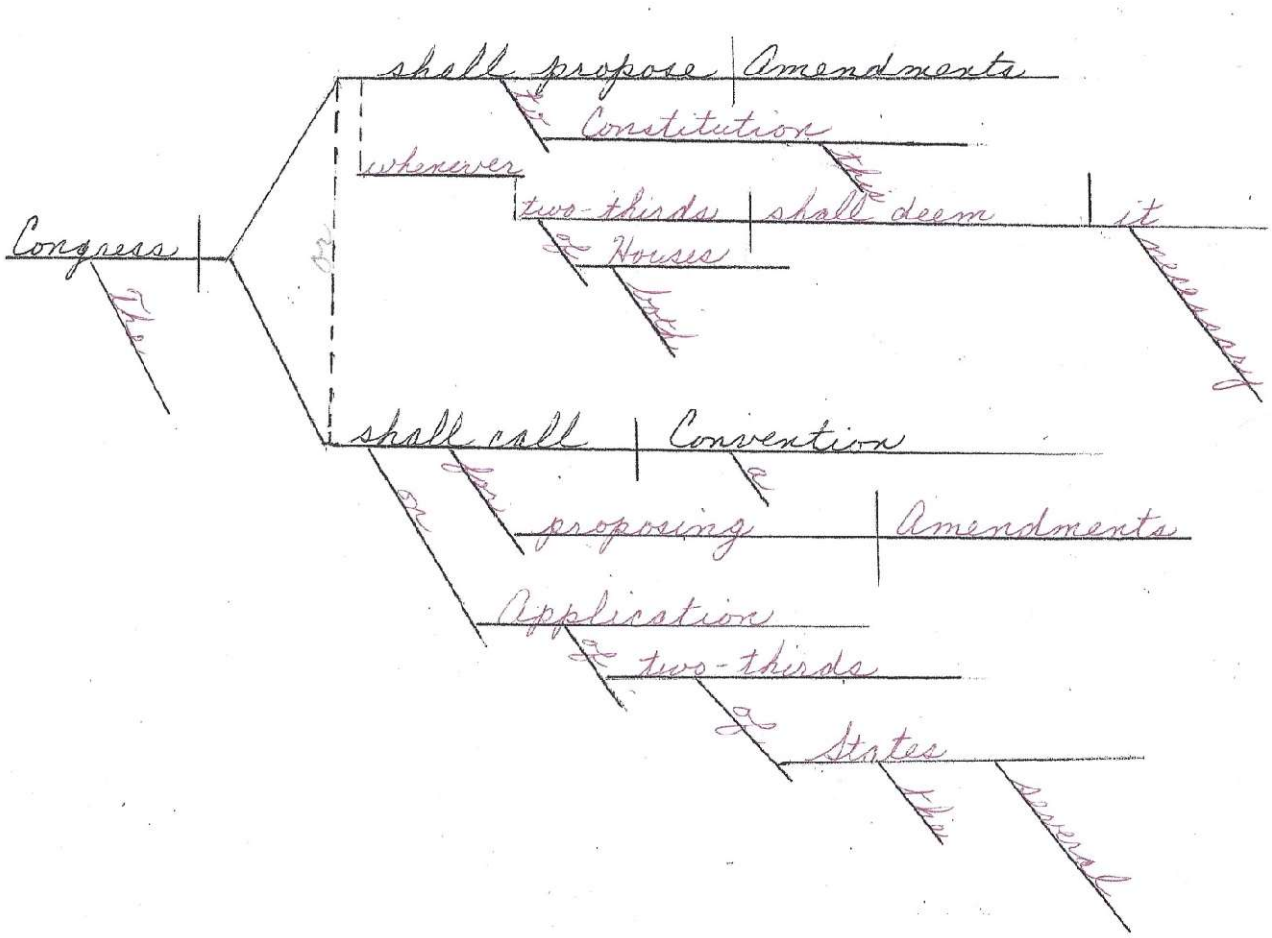
Senate General Government Committee

OPPOSITION to SJR 3 - June 2025

Chair Roegner, Vice Chair Gavarone, Ranking Member Blackshear and distinguished Members of the General Government Committee:

Thank you for allowing me to testify against SJR3. The Article V Convention provision of the United States Constitution is clear about certain things, and vague concerning others. We should at least be sure to examine the actual words that our Founders wrote before trying to add our own interpretations.

Please find a diagram showing the actual structure of the sentence in Article V attached. This sentence was written in a way that makes its meaning clear.



Please note the structure of the sentence that forms Article V of the U.S. Constitution. The backbone of the exaggeratedly long sentence is this:

The Congress shall propose Amendments to this Constitution or shall call a Convention for proposing Amendments.

- When? *Whenever two thirds of both Houses* (of Congress) *shall deem it necessary* OR
- Under what circumstances? *On the application of the Legislatures of two thirds of the several States*

The states are authorized to play only one role in this process: to apply to Congress for amendment.

Article V itself gives Congress (not the states) the right to call a convention. The wording also authorizes Congress (not the states) to propose amendments.

A very convincing but unfounded CoS argument is that the states call a convention, allegedly authorizing states to oversee the convention and to determine the amendments that will be proposed and weighed. This argument directly defies the actual wording of the Article itself. He who calls the convention, logically, will control the events that occur in convention. Sadly, that entity is Congress, not Ohio.

With Congress in charge, Congress determines the convention rules, which begs the following questions:

How will delegates be chosen? Will the number of delegates be a fixed number, or will the number be determined by the population of each state? In the latter case, Ohio's voice will be less influential than that of California or New York. Congress has constitutional freedom to make that determination. Will Congress consider amendments that are suggested by the states, or will they advance their choice of random amendments?

When Article V was drafted, the proposed Constitution offered a built-in protection from federal overreach. Each U.S. senator, chosen by state legislatures (Article I, §3, *Constitution of the United States*), was guaranteed by Article V the authority to cast a ratification vote on the proposed constitution. That being the case, a U.S. senator from Ohio would be required to vote according to our General Assembly's directives, or he would be recalled and replaced. That state protection was removed in 1913 with the passage of Amendment XVII. U.S. Senators are no longer legally required to vote in line with the directives of the state legislature.

Considering the risks and the unknowns surrounding a Convention of States, please vote against the freehand empowerment of Congress. Thank you for your NO vote on the push for a Convention of States. The convention method of amending the Constitution represents unnecessary risk. Since the Constitution provides an alternate amendment process, tested and true, we the people can safely effect the desired amendment outcome.

Thank you for your time and attention. I will be happy to answer any questions that you have.