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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Legislative Budget
Office

H.J.R. 2
136th General Assembly

Resolution Analysis

Version: As Introduced

Primary Sponsors: Reps. McClain and Willis

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SUMMARY

- Applies to Congress for a federal convention of the states under Article V of the U.S. Constitution.
- Specifies that the convention is 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.
- Provides that the resolution constitutes a continuing application until the legislatures of at least two-thirds of the states have made applications on the same subject.

DETAILED ANALYSIS

Application for convention of the states

The resolution applies to Congress for a convention of the states under Article V of the U.S. Constitution for the purpose of proposing amendments to the U.S. Constitution. The resolution states that the convention is to be limited to proposing amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and institute term limits for federal offices.

Under the resolution, the application is “expressly subject to reservations, understandings, and declarations,” including the following:

- The application is valid only if combined only with other applications from state legislatures that call for a convention for substantially the same purpose.
- Congress does not have power beyond calling the convention and setting a reasonable time and place, does not determine the rules for the governing of the convention, does not set the number of delegates to be sent by each state, and does not name those delegates.

- The state legislatures have the authority to name their delegates to the convention, to provide further instructions to their delegates, and to recall their delegates at any time for a breach of a duty or a violation of the instructions provided.
- Each state receives one vote at the convention.
- The General Assembly recommends that, when Congress determines how any proposed amendments are to be ratified, it chooses ratification by the state legislatures (see below).

Background on Article V

Article V of the U.S. Constitution provides two methods for proposing amendments to the U.S. Constitution. First, Congress may propose an amendment by a vote of at least $\frac{2}{3}$ of the members of each house. Second, upon the application of the legislatures of at least $\frac{2}{3}$ of the states, Congress must call a convention for proposing amendments.

For any amendment proposed by Congress or by a convention of the states to take effect, it must be ratified by one of the following methods (Congress decides which method will be used):

- Approval by $\frac{3}{4}$ of the state legislatures;
- Approval by ratifying conventions in $\frac{3}{4}$ of the states. If Congress designates this method of ratification, R.C. Chapter 3523 provides Ohio's procedures for conducting its convention.

To date, all formally proposed amendments to the U.S. Constitution have been proposed by a vote of Congress. A convention of the states has never been held under Article V. The U.S. Constitution does not specify how an Article V convention must be conducted or how its delegates are to be chosen. Further, the Constitution does not indicate whether the states that apply for a convention may limit the scope of amendments the convention is to propose. If Congress called a convention as a result of the resolution and others like it, and the convention proposed amendments outside the scope of the topics listed in the resolution, it is not clear whether a reviewing court would find the proposed amendments valid.

Transmittal of the resolution

The resolution directs the Clerk of the House to transmit copies of the resolution to the President and Secretary of the U.S. Senate, to the Speaker and Clerk of the U.S. House of Representatives, and to each member of the Ohio congressional delegation. The resolution also requires the Clerk to transmit copies of the resolution to the presiding officers of each state legislature, requesting their cooperation.

HISTORY

Action	Date
Introduced	02-10-25
