

**JOINT RESOLUTION RESCINDING THE CALL FOR A
CONSTITUTIONAL CONVENTION**

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Edward H. Redd

Senate Sponsor: _____

LONG TITLE

General Description:

This joint resolution rescinds Utah's past applications for a constitutional convention.

Highlighted Provisions:

This resolution:

- ▶ acknowledges Utah's previous applications to Congress for a constitutional convention;
- ▶ calls attention to the uncertainty of whether a constitutional convention would provide the state with its intended outcome of limiting federal spending;
- ▶ recognizes that the Constitution is a sound document that currently protects the rights and liberties of the people; and
- ▶ rescinds all past applications made by the state to Congress for a constitutional convention.

Special Clauses:

None

Be it resolved by the Legislature of the state of Utah:

WHEREAS, the Legislature, acting with the best of intentions, has at sundry times made application to Congress for a constitutional convention for the general or limited purpose of considering single or multiple amendments to the Constitution of the United States;



28 WHEREAS, there is significant misunderstanding and uncertainty regarding the power,
29 scope, and procedures of a constitutional convention;

30 WHEREAS, while the delegates to the first constitutional convention in 1787 were
31 noble in their motives, they exceeded their state and congressional mandates and created a
32 whole new form of government;

33 WHEREAS, a constitutional convention has authority to create, modify, or disband
34 state or federal governments, comprises the highest sovereign powers of a free people, and
35 accordingly there is no way to limit or control the work of a convention called pursuant to
36 Article V of the Constitution;

37 WHEREAS, attempts to impose terms, conditions, and limitations on a future
38 convention by resolutions adopted in Utah's prior applications would be of no force or validity
39 once the sovereign voice of the people calls a convention to order;

40 WHEREAS, previous applications by the Legislature for a constitutional convention
41 have been made for the purpose of proposing a balanced budget amendment to the Constitution
42 of the United States, among other things;

43 WHEREAS, the existing enumerated powers set forth in the Constitution of the United
44 States limit federal spending;

45 WHEREAS, since the Constitution grants Congress only limited and narrowly defined
46 authority to spend money, excessive federal spending is not the result of a defective
47 Constitution, but rather of violations of the clearly enumerated powers of Congress;

48 WHEREAS, since new constitutional amendments nullify all constitutional language to
49 the contrary, a balanced budget amendment would, accordingly, change the constitutional
50 standard for spending from the enumerated powers to whatever the federal government decides
51 to put into the budget, thereby legalizing that which is now illegal spending;

52 WHEREAS, Article V of the Constitution was written to correct mistakes that the
53 founders expected to be discovered with experience in the new system, not to rein in a
54 government that, if it was following the Constitution, would already be constrained by the
55 limited powers outlined in the Constitution;

56 WHEREAS, excessive spending and federal government overreach cited by convention
57 advocates can and should be prevented by voter vigilance and holding Congress publicly
58 accountable for adhering to the constraints provided in the enumerated powers;

59 WHEREAS, the Constitution has been amended 27 times through the congressional
60 route and may be amended many more times in the future; and

61 WHEREAS, the Constitution is a sound document that currently protects the rights and
62 liberties of the people without entering into the unknown and untested waters of a
63 constitutional convention:

64 NOW, THEREFORE, BE IT RESOLVED by the Legislature of the state of Utah that
65 any and all existing applications to Congress for a constitutional convention, a convention of
66 states, or an Article V convention made by the Legislature, pursuant to Article V of the
67 Constitution of the United States, for any purpose, be repealed, rescinded, cancelled, and
68 rendered null and void to have the same effect as if the applications had never been made.

69 BE IT FURTHER RESOLVED that the Legislature urges the legislatures of every other
70 state that have applied to Congress for either a general or limited convention to repeal and
71 rescind their applications.

72 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the presiding
73 officers of the legislatures of each of the other states, to the President of the United States
74 Senate, to the Speaker of the United States House of Representatives, and to the members of
75 Utah's congressional delegation.

Legislative Review Note
Office of Legislative Research and General Counsel