

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

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SENATE JOINT RESOLUTION 41

Sponsors: Senators Hise, Krawiec, and Rabin (Primary Sponsors).

Referred to: Rules and Operations of the Senate

February 8, 2017

1 A JOINT RESOLUTION TO APPLY TO CONGRESS FOR THE CALLING OF A
2 CONVENTION PURSUANT TO ARTICLE V OF THE CONSTITUTION OF THE
3 UNITED STATES.

4 Whereas, Section 4 of Article IV of the Constitution of the United States guarantees to
5 every state a republican form of government that gives each state equal standing when calling for a
6 federal amendment convention; and

7 Whereas, Article V of the Constitution of the United States reserves to the state
8 legislatures the right to apply for a federal convention for the purpose of proposing amendments to
9 the United States Constitution when Congress, the courts, or the executive branch refuse to
10 address an egregious wrong suffered by the people; and

11 Whereas, the state legislatures alone have the authority to limit the agenda and
12 authority of delegates and alternates they send to a convened federal convention. This authority
13 does not reside in the United States Congress, nor in the federal or state courts, nor in the
14 executive branch. This authority resides solely in the state legislatures; and

15 Whereas, the authority of Congress, under Article V of the Constitution of the United
16 States, requires it to convene a convention as called for and defined by the state legislatures of the
17 several states; Now, therefore,

18 Be it resolved by the Senate, the House of Representatives concurring:

19 **SECTION 1.** Application for Calling of Convention. – The North Carolina General
20 Assembly hereby applies to Congress, under the provisions of Article V of the Constitution of the
21 United States, for the calling of a single-issue convention of the states, called a "countermand
22 amendment convention," for the sole purpose of deciding whether the proposed countermand
23 amendment should be sent back to the state legislatures for ratification.

24 **SECTION 2.** Duration of Application. – The application set forth in Section 1 of this
25 act constitutes a continuing application in accordance with Article V of the Constitution of the
26 United States until the legislatures of at least two-thirds of the several states have made identical
27 or substantially similar applications as the one set forth in Section 1 of this act.

28 **SECTION 3.** Instructions to Congress. – Congress is directed to call the Countermand
29 Amendment Convention within 60 days from the date it receives the 34th Call for this Convention
30 from state legislatures.

31 **SECTION 4.** Distribution of Copies of Act. – The Secretary of State shall transmit
32 copies of this act to (i) the President and Secretary of the United States Senate; (ii) the Speaker and
33 Clerk of the United States House of Representatives; (iii) each member of the North Carolina
34 delegation to the United States Senate and United States House of Representatives; and (iv) the
35 presiding officers of each of the legislative houses in the several states, requesting their
36 cooperation with the purposes of this act.

37 **SECTION 5.** This resolution is effective upon ratification.

