

## Article V Constitutional Convention Fact Sheet

### **Background:**

A well-funded, highly coordinated national effort is underway to call a constitutional convention, under Article V of the US Constitution, for the first time in history. The result of such a convention could be a complete overhaul of the constitution, and supporters are dangerously close to succeeding in calling such a convention.

The unknowns supporting a constitutional convention pose an unacceptable risk, particularly in the current polarized political climate. Calls for a convention are coming from the right and left, and are backed with money, stronger campaign structures, and in particular, a national coordination on the right.

A number of major conservative donors, including the Mercer family and Koch-funded organizations including ALEC have renewed and intensified efforts to thrust this issue into the spotlight.

Last year, Colorado Common Cause and 14 other non-profit, community, labor, and democracy organizations came together to support and pass [HJR21-1006](#) which rescinded all previous requests for a constitutional convention. **Colorado Common Cause strongly opposes [HJR22-1021](#) and urges a no vote on the resolution.**

### **Current campaigns:**

Currently, there are three well-organized efforts to call Article V constitutional conventions, each briefly explained below:

#### ***The Balanced Budget Amendment Effort***

This effort has progressed the furthest. Throughout the 1970s and 1980s, dozens of legislatures passed resolutions or “calls” for an Art. V convention to propose a balanced budget amendment. Various concerns, including of a runaway convention, led dozens of states to rescind their convention calls between 1989 and 2010. Conservative groups have recently revived pressure to pass balanced budget Art. V calls. Right now, 27 states have Balanced Budget Amendment Article V calls that have not been rescinded, 6 short of the necessary 34 to call a convention. Colorado rescinded all our previous calls for an Article V convention last year.

#### ***The Convention of States Effort***

Another conservative effort to call a constitutional convention is the Convention On States Campaign. The proposal calls for a convention for the broad purposes of limiting the powers of the federal government, imposing fiscal restraints on federal spending, and applying term limits to Congress. The vagueness of the proposal illustrates concerns about the threat for a runaway convention. Over the last three years, Convention on States resolutions have been introduced in 37 states, and passed in 15.

#### ***The Wolf PAC Effort***

There is also an effort underway to call an Article V Constitutional convention for an amendment overturning the Supreme Court’s decision in *Citizens United v. FEC*. Founded by a left-wing political commentator Cenk Uygur, Wolf PAC has helped pass resolutions calling for an Article V convention in 5 states.

## Colorado Organizations Oppose An Article V Constitutional Convention

The call for a federal constitutional convention under Article V of the U.S. Constitution is both dangerous and a real threat to our democracy. Common Cause opposes a call for a constitutional convention, regardless of the amendment being proposed, for the following reasons:

- **THREAT OF A RUNAWAY CONVENTION:** There is nothing in the Constitution to prevent a constitutional convention from being expanded in scope to issues not raised in convention calls passed by the state legislatures, and therefore could lead to a runaway convention.
- **INFLUENCE OF SPECIAL INTERESTS:** An Article V convention would open the Constitution to revisions at a time of extreme gerrymandering and in an environment of unlimited political spending. It could allow special interests and the wealthiest to re-write the rules governing our system of government.
- **LACK OF CONVENTION RULES:** There are no rules governing constitutional conventions. A constitutional convention would be an unpredictable Pandora's Box; the last one, in 1787, resulted in a brand-new Constitution. There's a significant danger that opponents of certain civil liberties could change the scope of the convention and undermine basic rights long protected by the Constitution.
- **UNCERTAIN RATIFICATION PROCESS:** A convention could re-define the ratification process (which currently requires 38 states to approve of any new amendments) to make it easier to pass new amendments, including those considered at the convention. This happened in 1787, when the convention changed the threshold necessary for ratification.
- **THREAT OF LEGAL DISPUTES:** No judicial, legislative, or executive body would have clear authority to settle disputes about a convention, opening the process up to chaos and drawn out legal disputes that threaten the functioning of our democracy and economy.
- **APPLICATION PROCESS UNCERTAINTY:** There is no clear process on how Congress or any other governmental body would count and add up Article V applications, or if Congress and the states could restrain the convention's mandate based on those applications.
- **POSSIBILITY OF UNEQUAL REPRESENTATION:** It is unclear how states would choose delegates to a convention, how states and citizens will be represented within a constitutional convention, and who would ultimately get to vote on items raised in a convention.

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