

# 303 LEVEL TRAINING



## WHAT DOES “LIMITED” OR “RUNAWAY” MEAN?

**Limited Convention:** an amendment convention that is conducted for the purpose of proposing an amendment on one subject. This is in contrast to an “open convention” that is called to discuss multiple subjects.

The Free & Fair Elections Resolution calls for a limited convention to address campaign finance reform.

**“Runaway” Convention:** A baseless theory that a convention mandated by the states for the purpose of proposing an amendment on one subject will instead consider multiple subjects or “rewrite the Constitution.”

## CAN A LIMITED CONVENTION “RUN AWAY?”

When people talk about a runaway convention, what they are implying is that the Constitution can be changed at a convention, and that’s legally not possible.

It’s extremely clear in the Constituion that a convention would only have the power to propose amendments. “Propose” cannot be stretched to mean “ratify.”

The Constitution cannot be changed at a convention.

## WE HAVE A RUNAWAY CONGRESS!

Congress is already a runaway convention every time they meet on Capitol Hill! There is nothing stopping them from proposing an amendment on any subject they want, other than consensus and the ratification process. And they have! Since our founding, Congress has proposed over 11,000 amendments. The states have proposed zero. This may be one reason things are so out of balance, because we haven't been using our right of checks and balances on Congress.

## A CONVENTION CAN BE LIMITED, AND THOSE LIMITATIONS CAN BE ENFORCED

The U.S. Department of Justice, the American Bar Association and the Congressional Research Service have all extensively studied the Article V Convention process and issued reports of their findings.

As explained by the U.S. Department of Justice, the states have the power to call a convention limited to one topic and there are four ways in which that limitation will be enforced.

## ENFORCEMENT METHOD 1: CONGRESS

Congress does have a small role in this. Once they determine the 34 applications have been submitted, they will likely pass legislation stating that a convention is taking place in this town, on these dates, and it will be on this topic. Historically when a convention appeared possible Congress also began considering procedural rules for the convention (Sen. Ervin in 1970s, Sen. Hatch in 1980s).

Congress is not going to want a convention to have more power than they have so it is very much in their interest to make sure the convention is limited to whatever topic the states have applied for.

## ENFORCEMENT METHOD 2: THE COURTS

A convention would not exist outside of our judicial system.

If the states apply for and Congress calls a convention on a specific topic, and the convention does something outside of the scope laid out for the convention, it could be challenged in our courts.

## ENFORCEMENT METHOD 3: THE DELEGATES

Delegates are different than Representatives (who are free to do what they want once elected).

A delegates' authority comes from the state that sent them with certain guidelines. Delegates who act against their state's wishes, for example by proposing off-topic amendments, can be recalled and replaced, or in some cases even charged with criminal penalties.

Our resolution specifically mandates that the delegates are restricted to the issue of campaign finance reform.



## ENFORCEMENT METHOD 3: RATIFICATION

The ultimate check on a convention is the fact that any amendment proposed at a convention, just as any amendment proposed by Congress, will need to be approved by 75% of the states (currently 38) via the ratification process before becoming part of the Constitution.

**BOTTOM LINE:** A convention can be limited and the limitations can be enforced.

## HISTORICAL PRECEDENT FOR FUNCTIONING CONVENTIONS

There is a lot of precedent that a convention will stay within its stated agenda, or mandate. There have been over 200 conventions at the state level to amend and adapt individual state constitutions and all 50 state constitutions are still intact.

Political conventions are nothing new to Americans. We know how they work. As a country we've done it hundreds of times and they've always worked as intended. This is a familiar process for the states. Across our history, conventions are more common than presidential and congressional elections - combined.