

SENATE BILL REPORT

SJM 8008

As Reported by Senate Committee On:
State Government, Tribal Affairs & Elections, February 7, 2025

Brief Description: Rescinding prior applications for a constitutional convention to propose amendments to the Constitution of the United States.

Sponsors: Senators Krishnadasan, Pedersen, Hasegawa, Nobles and Trudeau.

Brief History:

Committee Activity: State Government, Tribal Affairs & Elections: 2/04/25, 2/07/25 [DP].

Brief Summary of Bill

- Rescinds all previous requests to Congress for a Constitutional Convention under Article V of the U.S. Constitution.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL AFFAIRS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Valdez, Chair; Krishnadasan, Vice Chair; Wilson, J., Ranking Member; Fortunato, Hasegawa, Kauffman, McCune, Riccelli and Short.

Staff: William Bridges (786-7312)

Background: Constitutional Conventions Under the United States Constitution. Article V of the U.S. Constitution provides two methods for amending the Constitution. The first allows Congress to propose an amendment that is approved by a two-thirds vote in the House of Representatives and Senate. The second, which has never been used, requires Congress to call a Constitutional Convention to propose amendments when requested by two-thirds of state Legislatures, or 34 states. Any amendment proposed under either method is adopted only if ratified by three-fourths of state Legislatures, or 38 states.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

There is no official state or national repository for Article V applications. According to one unofficial source, there have been over 450 applications from the states since 1788, with five from Washington State:

- HB 90—1901. Plenary convention with no limitation on subject;
- HB 207—1903. Plenary convention highlighting the direct election of United States senators;
- SCR 17—1909 without state seal. Limited convention to ban polygamy;
- SCR 17—1911 with state seal. Limited convention to ban polygamy; and
- HJM 1— 1963 (Extraordinary Session). Limited convention to prohibit federal restraint of the state initiative power to redistrict and remove federal judicial oversight of redistricting.

There is no consensus among legal scholars on whether applications expire or the effect of any rescissions.

Summary of Bill: Rescinding All Previous Article V Applications. The Washington State Legislature, by Senate Joint Memorial (SJM), informs the U.S President and Congress that the state of Washington rescinds, repeals, cancels, nullifies, and supersedes any and all prior applications for an Article V Constitutional Convention, regardless of when and regardless of whether such applications were for a more limited convention to propose one or more amendments regarding one or more specific subjects and purposes or for a general convention to propose an unlimited number of amendments upon an unlimited number of subjects, whether or not the calls are confirmed by historical records maintained by the state or the Library of Congress.

The Washington State Legislature requests the SJM be transmitted to the U.S. President, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, each member of Congress from the State of Washington, and the Director of the Office of the Federal Registrar.

The Washington State Legislature requests the SJM be published in the Congressional Records and listed in the official tally of state legislative applications for Article V conventions, stating definitively that the state of Washington should not be included in that number until a future Washington State Legislature duly passes a new application.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Under Article V of the U.S. Constitution, a convention must be convened if two-thirds of the states submit applications. Washington has submitted a total of five such applications, dating back as early as 1901 and most recently in 1963. These applications have varied in scope and intent, ranging from specific amendments to broad calls for reform. However, they were submitted by past Legislatures and may not reflect the views of today's legislators or the people we currently serve. There is ongoing debate over whether these decades-old applications remain valid indefinitely or if they expire over time. Due to this uncertainty, some states have chosen to rescind their prior applications. This joint memorial formally revokes and supersedes any previous applications submitted by the Washington State Legislature to Congress calling for a constitutional convention under Article V. By rescinding all prior applications, it is made clear that Washington should not be counted among the states calling for such a convention unless a future Legislature expressly submits a new application, based on the specific needs and circumstances of that time. This action protects the will of the present generation and ensures our state does not unintentionally contribute to an effort that could risk the stability and integrity of our nation's Constitution. Article V conventions are dangerous, and convention applications should always be sunset. This is a housekeeping measure to clear the decks. Constitutional conventions sound good but there is no consensus on how they would work, which could lead to a train wreck.

CON: Oppose the SJM as written, but support Washington's choice to rescind all prior Article V applications. Oppose the SJM because some of the language implies that certain myths about Article V are true: that constitutional conventions and Article V conventions are the same; that there is confusion about whether prior applications expire; and that the states have no way to limit the scope of Article V conventions. The safeguard for any amendments proposed by a convention is ratification by the states.

OTHER: Old applications should be rescinded but new ones should be allowed.

Persons Testifying: PRO: Senator Deborah Krishnadasan, Prime Sponsor; Zeke Lyen, N/A; Charles Beck; Dennis Eagle, WA Federation of State Employees.

CON: Kira Gilbert, Convention of States Action Washington; Sean Dayton, Convention of States Action Washington.

OTHER: Samuel Fieldman, Wolf-PAC.

Persons Signed In To Testify But Not Testifying: No one.