



TO: The Honorable Ned Claxton  
The Honorable Danny Martin, Co-Chairs  
Members of the Joint Standing Committee on State and Local Government

DATE: May 1, 2019

RE: S.P. 105 JOINT RESOLUTION MAKING APPLICATION TO THE CONGRESS OF THE UNITED STATES TO CALL A CONVENTION UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO RESTORE FREE AND FAIR ELECTIONS

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Good morning. My name is Penelope Hamblin. I'm a resident of South Portland. I'm here as a volunteer representing the League of Women Voters of Maine. The League opposes S.P. 105.

The League appreciates the sponsors' purpose in bringing forth this bill. Like them, we are dismayed by the unchecked power of special interests over our democracy. Like them, we believe that the Supreme Court's ruling in *Citizens United* has made our elections less fair and less free.

However, the League has grave concerns about invoking Article V as a means of overturning *Citizens United*. To say this would be opening a can of worms is an understatement.

This has never happened since the original convention in 1787 — all constitutional amendments since then have been passed first by Congress and then approved by three-fourths of the state legislatures. There are no rules and guidelines in the U.S. Constitution on how a convention would work, which creates an opportunity for a runaway convention that could rewrite any constitutional right or protection currently available to American citizens.

Although S.P. 105's language calls for limiting a constitutional convention to restoring free and fair elections, there is no way to guarantee this. As Former Supreme Court Chief Justice Warren Burger wrote, "The convention could make its own rules and set its own agenda. Congress might try to limit the convention to one amendment or one issue, but there is no way to assure that the convention would obey."<sup>1</sup>

In April 2017, the League joined hundreds of national, state, and local organizations in warning that calling a new constitutional convention is a threat to every American's constitutional rights and civil liberties. I'm attaching a copy of this letter to my testimony.

The late Supreme Court Justice Antonin Scalia also warned of the dangers of a constitutional convention. "I certainly would not want a constitutional convention. Whoa! Who knows what

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<sup>1</sup> Letter from Chief Justice Warren Burger to Phyllis Schlafly, June 22, 1988

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would come out of it?" Scalia said in 2014.<sup>2</sup> The League agrees, and urges the committee to vote Ought Not to Pass on S.P. 105.

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<sup>2</sup> Marcia Coyle, "Scalia, Ginsberg Offer Amendments to the Constitution," *Legal Times*, April 17, 2014